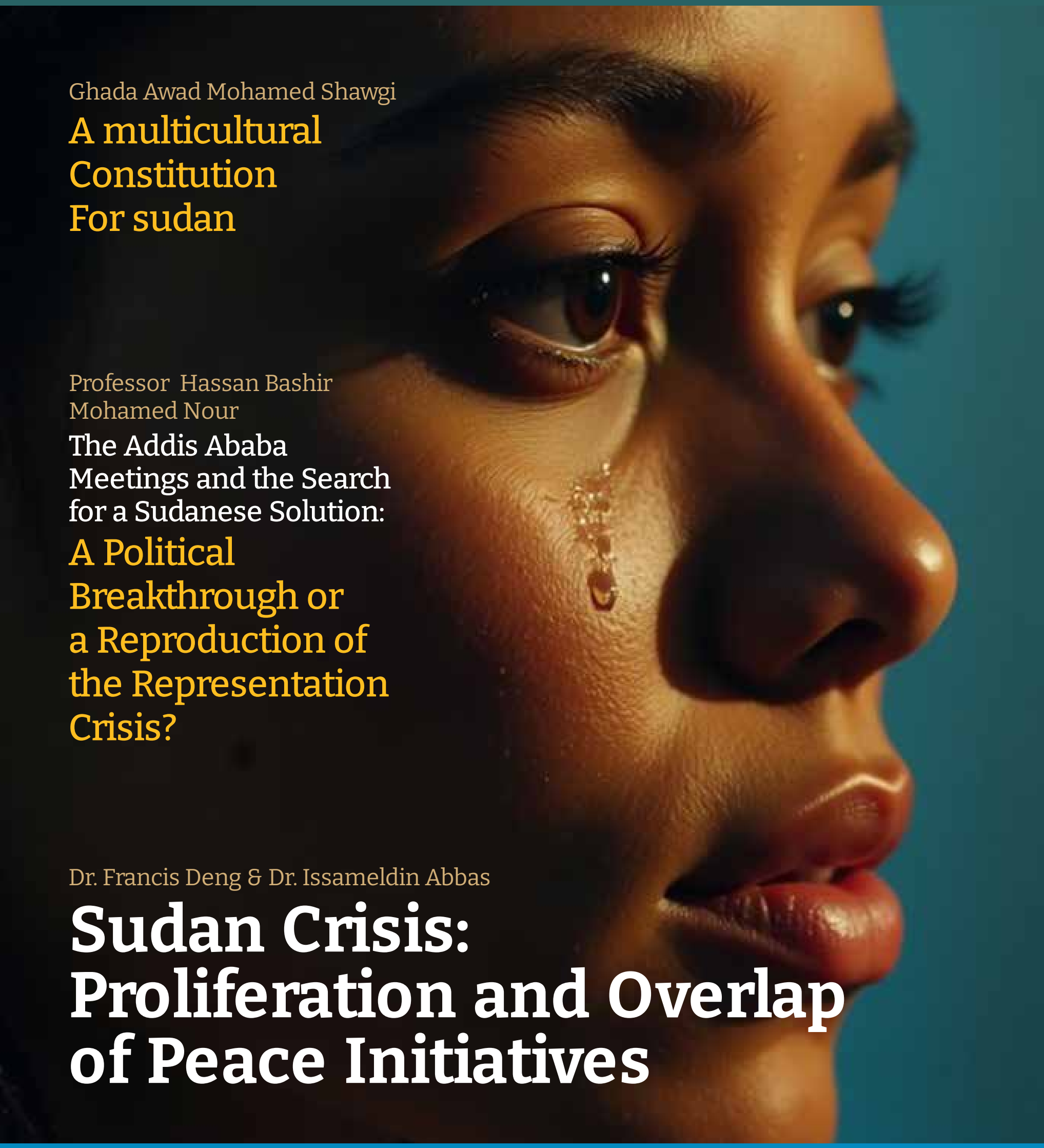
Intellectual Issues

Qadaya Fikria

Issue No. 11 June 2026

An Independent Periodical Publication Featuring Academic, Political, Cultural, and Artistic Contributions



Ghada Awad Mohamed Shawgi

A multicultural Constitution For sudan

Professor Hassan Bashir Mohamed Nour

The Addis Ababa Meetings and the Search for a Sudanese Solution: A Political Breakthrough or a Reproduction of the Representation Crisis?

Dr. Francis Deng & Dr. Issameldin Abbas

Sudan Crisis: Proliferation and Overlap of Peace Initiatives

OBJECTIVES

▸ **«Qadaya Fikria»** is a peer-reviewed journal , meaning it adheres to the standards for publishing peer-reviewed studies and research. This is in addition to articles that meet the required standards whilst simultaneously allowing for free writing, which do not necessarily need to adhere to strict academic controls, provided they are approved by the editorial board. It includes sections dedicated to artistic and literary creations, translations, book reviews, and dossiers on important public issues. It is an independent intellectual and cultural platform that seeks to provide distinguished content contributing to the activation and development of intellectual and critical dialogue by presenting articles and research characterised by academic quality and standards.

▸ «Qadaya Fikria» is published in both Arabic and English, where the English section contains academic writings published in English alongside the contributions of the second generation of Sudanese people, who are opening up to awareness and knowledge outside of Sudan.

▸ «Qadaya Fikria» will act as the organiser, facilitator, and catalyst for serious contributions and theses, in an earnest endeavour to encourage and consolidate critical thinking amongst readers, and to challenge firmly established traditional views.

▸ «Qadaya Fikria» constitutes a qualitative addition to all current Sudanese media, cultural, and intellectual platforms. It focuses on intellectual production and diverse studies in a way that adds much-needed theoretical depth and advanced concepts, contributing to the presentation of policies that open up new horizons for Sudanese society.

▸ Objectives: Publishing articles and studies that address all the intellectual, social, and cultural challenges facing Sudanese society,

and introducing global intellectual currents.

▸ Providing diverse intellectual content that satisfies the reader›s thirst for serious knowledge.

▸ Placing various visual arts and their related studies at the forefront of the magazine›s interests.

▸ Highlighting the diversity and plurality of Sudanese society and publishing contributions that reflect this reality.

▸ Contributing seriously to the battle for modernity while highlighting the positive aspects of our heritage.

▸ Encouraging serious writing on the multiple and diverse issues of democratic transition, and reflecting varied experiences in achieving and consolidating a democratic system and attaining transitional justice.

▸ Supporting all political, economic, social, and cultural rights of Sudanese women, and seeking to make more room for feminist writings from different schools of thought, as well as other writings expressing women›s rights and diverse, serious critical studies.

▸ Adhering to human rights in accordance with international conventions.

▸ Encouraging theoretical writings on the fundamentals of the Sudanese national project, centred around the civil state.

▸ Focusing on the creative output of youth (of both sexes), presenting their work to the public sphere, and giving special consideration to the voices of the Sudanese abroad (the diaspora generation) who write in English.

▸ Taking an interest in studies of the political economy of development, as well as finance and investment issues.

▸ Standing firmly against the publication of discourses of racism and hatred.

▸ Striving to disseminate knowledge through a serious endeavour to confront superstition and backwardness.

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Qadaya Fikria

An independent periodical publication facilitating academic, political, cultural, and artistic contributions

New Horizons Research Centre

Qadaya Fikria is published by the New Horizons Center for Studies, and was founded by Dr. Sadiq Al-Zailaee in 2024

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The main objectives of New Horizons Research Centre:

(1) To work as a research group, inside and outside Sudan, to offer people of Sudan a better understanding of their history and society by organising seminars, workshops, and publications.

(2) To help Sudanese writers to publish their books, in hard or soft formats, and disseminate them in different outlets.

(3) To promote Sudanese arts and culture by organising exhibition for work of Sudanese artists that are open for the public in the United Kingdom.

(4) To facilitate dialogue and discussion between different intellectuals, inside and outside Sudan, to encounter Sudan dilemma and propose solutions to the people of Sudan and their civil society organisations.

(5) To provide online training by qualified instructors to Sudanese involving in the co-operative movement and trade unions, with arrangement with their committees.

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Qadaya Fikria

We are building a robust cultural initiative dedicated to exploring the complex and multi-faceted issues facing Sudan today. Your generous contributions empower us to keep championing critical thought, supporting dedicated researchers, and preserving our nation›s collective memory during these deeply challenging times.

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«Knowledge is the bridge to the Sudan we envision.

Your support for Qadaya Fikria is more than just a financial donation—it is an investment in the awareness of future generations, safeguarding the independence of this vital national platform.»

Editorial

Welcome to the inaugural English-language issue of Qadaya Fikria (Intellectual Issues). This edition marks an important step in expanding the journal's engagement with Sudanese readers and contributors worldwide, particularly members of the Sudanese diaspora and the broader international intellectual community. By publishing in English alongside Arabic, the journal seeks to widen the reach of Sudanese scholarship, amplify Sudanese perspectives, and encourage dialogue across cultures and borders.

Qadaya Fikria is an independent intellectual and cultural platform dedicated to critical inquiry, informed debate, and serious scholarship. Guided by the values of democracy, human rights, social justice, pluralism, and equality, the journal promotes diverse perspectives and constructive engagement while contributing to discussions on building an inclusive and democratic Sudan.

The journal welcomes scholars, writers, artists, and young intellectuals in Sudan and across the diaspora. Through this English-language edition, Qadaya Fikriyya aims to strengthen intellectual exchange and foster a broader conversation about Sudan's future.

This issue brings together a diverse collection of scholarly articles, research papers, literary works, and reflections that engage with some of the most pressing historical, political, social, and cultural questions confronting Sudan today. Contributors explore themes of peacebuilding, governance, transitional justice, constitutionalism, civil service reform, identity, migration, philosophy, youth mental health, and the broader challenges of democratic transformation in a society shaped by conflict, displacement, and political uncertainty. Alongside these analyses, the issue features fiction and literary writing that illuminate the complexities of Sudanese experience, while reflecting on the human consequences of war, displacement, social fragmentation, and the ongoing national crisis.

Together, these contributions offer readers a rich and thought-provoking exploration of contemporary Sudanese intellectual and creative life, while fostering critical reflection on Sudan political and social landscape.

We are pleased to present this inaugural English-language issue and hope it contributes to deeper understanding, critical reflection, and meaningful dialogue on Sudan's past, present, and future.

The Editorial Board

Sudan Crisis:

Proliferation And Overlap Of Peace Initiatives

By: Dr. Francis Deng* & Dr. Issameldin Abbas

Since the outbreak of war in April 2023, the Sudan crisis has witnessed an unprecedented proliferation and overlap of regional and international initiatives aimed at halting the fighting and launching a comprehensive political process. Despite the intensity of these efforts and the diversity of actors involved – from the Jeddah and Manama platforms to the International Quad and the Quintet and the efforts of the French Promediation Organisation – this multiplicity has failed to translate into any meaningful breakthrough in the peace process. On the contrary, it has contributed to increasing the complexity of the landscape by fostering an environment of competition and institutional fragmentation, thereby undermining the prospects for a unified international position.

This reality has given rise to several complicating dynamics, most notably 'forum shopping' by the parties to the conflict, the fragmentation among civil and political actors, the dilution of policies and the repetition of rhetoric shaped by a 'lowest common denominator' approach – without producing tangible results. In this context, the core problem is no longer the absence of initiatives, but rather the lack of effective coordination among them, as well as the absence of an inclusive framework capable of ensuring complementarity of roles and directing efforts toward clear, shared objectives. Accordingly, there is a compelling need to rethink how this multiplicity is managed, and to transform it from a source of paralysis into a driver of cohesion that can enhance the prospects for a sustainable political settlement.

The core problem is no longer the absence of initiatives, but rather the lack of effective coordination among them, as well as the absence of an inclusive framework capable of ensuring complementarity of roles and directing efforts toward clear, shared objectives.

External mediators have been prioritising efforts to address the humanitarian crisis associated with the war, understandably leaving the political resolution of the conflict to the Sudanese. Sustainable peace will require confronting the root causes that are historically entrenched and have driven the country into successive wars since independence. These conflicts have resulted in alternating periods of civilian democracy and military dictatorship, undermining democratic governance. The

challenge facing the Sudanese, therefore, is to agree on a framework that ensures peace, security and stability, while promoting inclusivity, equality and dignity for all citizens.

Maximising The Impact Of International Efforts

For external initiatives to achieve meaningful results in Sudan, they must be grounded in a coordinated approach that aligns bilateral, regional, multilateral and international efforts in support of ceasefire negotiations and a comprehensive political process. Initiatives such as the Quad, Quintet, Promediation and other multilateral platforms can operate effectively in parallel – but only if there is a clearly defined and genuine complementarity of roles. A breakthrough will depend on organising these efforts within a shared strategic framework, including a common understanding of whether – and how – to engage the Sudanese parties to the conflict. Effective coordination can help cultivate a shared sense of purpose among mediators, thereby enhancing their credibility and effectiveness in engaging with the conflict actors

First: Establishing An Effective UN-Mandated Political Mission

In light of the ongoing escalation and the increasing complexity of the crisis, it is imperative to establish an effective political mission under a mandate from the United Nations (UN) Security Council. Such a mission would be better positioned to overcome the limitations of fragmented initiatives and provide a coherent and effective international framework.

A ceasefire should be treated as the essential entry point to a broader political process that tackles the root causes of the conflict and lays the foundation for a credible transition to durable peace. Accordingly, the mission's mandate should extend beyond political mediation to include oversight and coordination of the overall humanitarian response, ensuring unimpeded and non-politicised access, as well as strengthening civilian protection mechanisms.

In addition, the mission could play a central role in streamlining regional and international efforts and reducing duplication by establishing a coordination mechanism that brings together key actors under a shared vision for a comprehensive, just and durable peace. This would help align interventions around agreed priorities and enhance the likelihood of achieving a genuine political breakthrough in the peace process.

Second: Coordinating Efforts And Integrating Roles

Given the proliferation of initiatives, coordination and role complementarity have become essential conditions for achieving tangible impact. In this regard, the African Union (AU) and Intergovernmental Authority on Development (IGAD) are well positioned to facilitate an inclusive Sudanese civil dialogue aimed at rebuilding trust among civil and political actors

and reducing the fragmentation that has weakened their collective influence. This requires a shift from merely managing divisions to actively building effective coordination platforms that prioritise shared national interests.

At the regional level, the League of Arab States (LAS) has a critical role to play in revitalising diplomatic engagement with regional actors, particularly those directly or indirectly involved in supporting the warring parties. Such engagement could help mitigate negative external interventions and curb the flow of arms. This role should evolve beyond traditional diplomacy toward closer strategic coordination with African and international initiatives, especially in the humanitarian domain, to ensure that aid delivery remains effective and insulated from political interference.

At the international level, the European Union, United States and United Kingdom wield significant leverage, particularly through diplomatic engagement within the UN, specifically the Security Council, as well as through logistical, technical and financial support. However, the effectiveness of these efforts depends largely on the extent to which they are aligned within a coherent multilateral framework that minimises duplication and directs resources toward clearly defined priorities, especially those related to civilian protection and the restoration of a civilian-led transition.

Ultimately, the central challenge is no longer the multiplicity of actors, but rather how to transform this multiplicity into a strategic advantage through coordinated action and integrated roles. Moving from competitive initiatives to a unified coordination framework is essential to reducing fragmentation and ‘forum shopping’, and to enhancing the prospects for a sustainable political settlement in Sudan.

As noted earlier, external mediators, both bilateral and multilateral, have rightly focused on the humanitarian aspects of the war and the urgent need for assistance and civilian protection, while assigning the political task of ending the conflict and securing sustainable peace to the Sudanese, albeit with the support of external partners. This requires agreement on a peace framework that is generally acceptable to the Sudanese people. Such a framework must, to a significant extent, prioritise ensuring the unity of the country on the basis of inclusivity, equality and dignity for all without discrimination on the grounds of race, ethnicity, religion, culture or gender. It should also be recalled that the secession of South Sudan resulted from the failure of the national leadership to create the conditions for consensual unity within a normative framework of full equality of citizenship.

While multiple mediators can contribute constructively, there is a need for a principal mediator or a more limited team of mediators to drive the process with the tools and resources needed for persuasive incentives.

Conclusion

The Sudanese experience clearly demonstrates that the proliferation of initiatives, in the absence of effective coordination, does not necessarily accelerate conflict resolution; rather, it can produce counterproductive by deepening divisions, thereby prolonging the war. The central challenge is no longer the creation of additional platforms or conferences, but the restructuring of existing efforts within a unified coordination framework that curbs competition and fosters genuine complementarity.

The Sudanese experience clearly demonstrates that the proliferation of initiatives, in the absence of effective coordination, can produce the opposite effect by deepening divisions, thereby prolonging the war.

The Sudanese experience clearly demonstrates that the proliferation of initiatives, in the absence of effective coordination, does not necessarily accelerate conflict resolution; rather, it can deepen divisions and prolong the war.

Achieving a meaningful breakthrough in the peace process requires a shift from the logic of parallel and competing initiatives to one of coordinated collective action, where the roles of regional and international actors are aligned and mutually reinforcing, and where political and humanitarian tracks are integrated within a coherent strategic vision. Strengthening effective international mechanisms – particularly an expanded political mission mandated by the UN Security Council – could provide a critical anchor for reordering this fragmented landscape.

Ultimately, the prospects for peace in Sudan will depend not on the number of actors involved, but on their ability to operate within a shared framework that transcends narrow interests and places the priorities of the Sudanese at the centre of all efforts. This will require strategic collaboration between the Sudanese and external actors, as well as the alignment of humanitarian action with efforts to mediate a sustainable and inclusive peace that promotes security and stability.

Ultimately, the prospects for peace in Sudan will depend not on the number of actors involved, but on their ability to operate within a shared framework that transcends narrow interests and places the priorities of the Sudanese at the centre of all efforts.

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Military Recruitment of the Nuba (1900–1939)

Dr. Siddig Elzailaee

Introduction

This article explores the contradictions of British colonial policy toward the Nuba in Sudan through military recruitment. Although the colonial state viewed the Nuba as a valuable source of soldiers, it also sought to isolate them from Arab and nationalist influences under the "Nuba Policy." These conflicting aims created tensions within the colonial administration and shaped recruitment policies from the First World War to the aftermath of the 1924 revolt, revealing how colonial rule relied on both military control and social division.

Contradictions of the Nuba Policy and Recruitment

The colonial state's military recruitment of the Nuba people provided opportunities to implement the "Nuba Policy." The policy was beset, however, by contradictions. Recruitment generated conflict between different departments of the colonial government and even within the army itself. Local administrators in the Nuba region challenged the army's demand for Nuba recruits. Although the colonial army's need for manpower would normally have made the Nuba among the first groups to be recruited, the objective of keeping them away from Arab influence acted as a restraint. This contradiction generated tensions between the army and the local administration. The different phases of Nuba recruitment reflected the struggle between competing departments within the colonial state.

Initial Recruitment and World War I Pressures

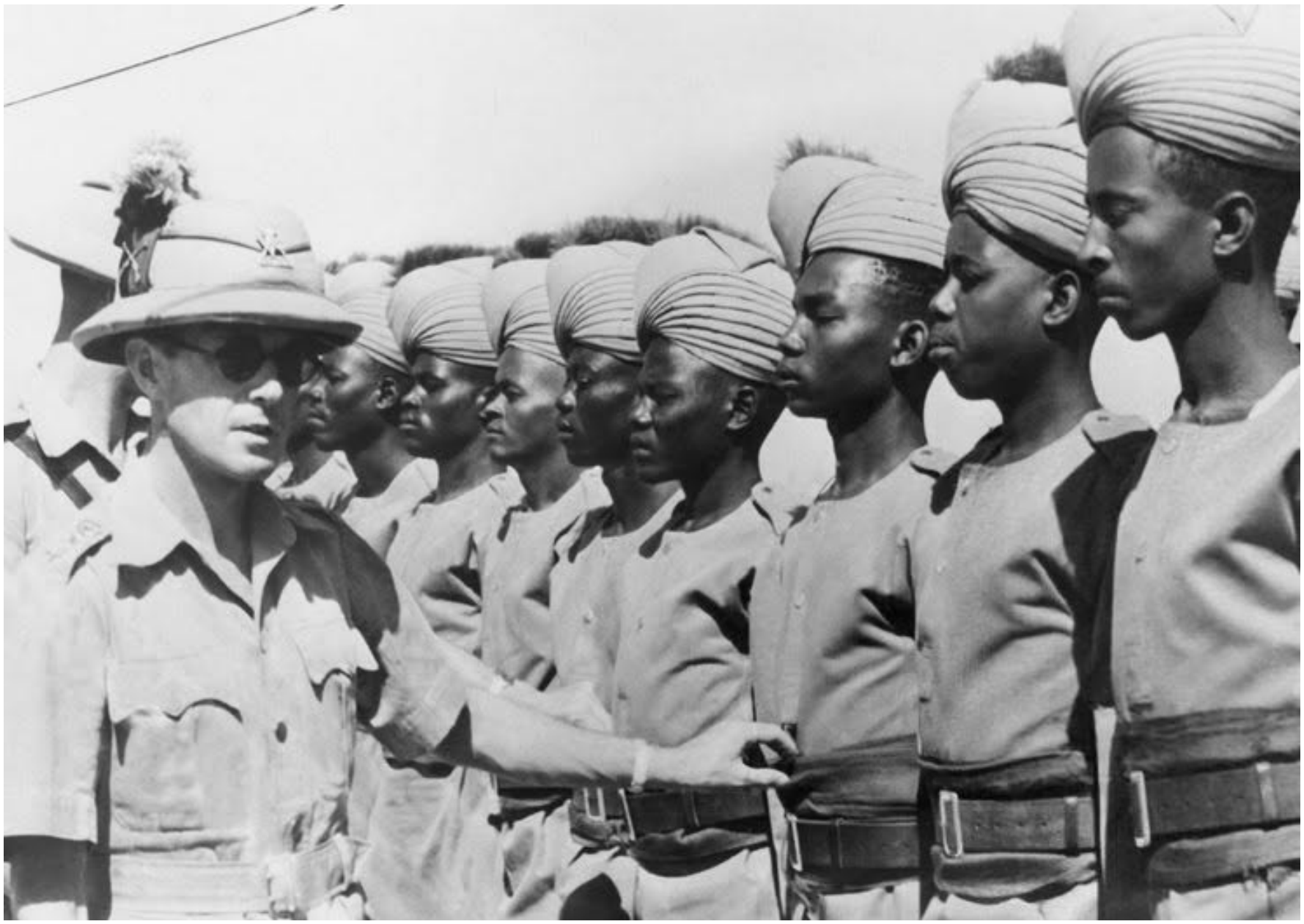
The British administration's recruitment of black soldiers began before the outbreak of the First World War. It served to keep the colony's running costs to a minimum. Indigenous soldiers were employed in the colonial army under the command of Egyptian army officers. The first official request for recruitment from Egypt and Sudan came from the British War Office in 1909.

These early attempts encountered difficulties because Turkish law, which was still in force, annulled the nationality of any subject who accepted foreign military service without authorization. Pressure from London and from the British administration eventually led to the establishment of the Sudanese Regiment. By 1912, the problem of maintaining the Sudanese regiments at full strength had become acute, and as more remote districts came under government administration, additional troops were required for new garrisons. These troops were of vital importance in the absence of rapid communications.

The Nuba, who already possessed a well-established reputation as excellent soldiers, were regarded as a natural source of recruits. European travellers and historians had written about their military contribution during the Fung Kingdom, the Turkish administration, and the Mahdist State. The colonial authorities believed that if a short-service territorial system were introduced, men would willingly enlist. However, the response proved less enthusiastic than expected.

The colonial government nevertheless decided to proceed with the creation of the Nuba Company. A fund appeared in the government's 1913 budget for a company of Nuba Territorials. In March of that year, Percy-Smith was selected as the first Commanding Officer of the Nuba Territorial Company. He was attached to the 11th Sudanese Battalion and travelled through the Nuba district to inform the Meks and the Nuba about the proposal to raise a Nuba company and to secure promises of recruits. Percy-Smith submitted an encouraging report on the prospects of raising such a company. Some Non-Commissioned Officers (N.C.O.s) of Nuba origin were also selected from various Sudanese regiments and posted to the company. On 24 February 1914, Percy-Smith received orders to commence recruitment immediately. In May 1914, the first group of approximately fifty recruits enlisted, about thirty of whom came from Jebel Miri. Fiki Ali, the Mek of the Jebel, had reportedly intended to use them in his revolt against the government.

The majority of the Nuba Meks discouraged their men from joining the army. It appears that they feared recruits might eventually be used against their own people in



An inspection parade of Sudan defense force recruits in Dec. 11, 1940.

the event of a confrontation with the government.[1] Most of the new recruits came from the Miri tribe, although it had not been the intention of the colonial authorities that the company should consist of only one tribe. A decision was therefore taken not to enlist any more Miri men, but few volunteers came forward from other communities. Enlistment declined sharply and practically ceased.

In response, the government decided to introduce compulsory enlistment. The First World War placed the government under considerable pressure to accelerate recruitment. A letter from the Foreign Office emphasized the urgency:

"I am commanded by the Army Council to inform you that they have had under consideration the question of the further increase of the manpower of the Empire by raising additional native units for service in theatres where climatic conditions are favourable.

The Council are aware that some time must elapse before any such units will be avail-

1- Kamal Osman Salih (1982): The British Administration in the Niba Mountains region of Sudan 1900 -b1945 PhD thesis University of London, P 245.

Sudan Defence Force badge

Sudan Defence Force cheerfully participated in the victory parade in London up for the triumph in II World's War.

able to take their place in the field, but in view of the fact that the war may not end for a long time to come they are emphatically of the opinion that no effort should be spared to release as many white troops as possible from those now employed in the minor theatres for service on the main British front, and also to meet further demands which way arise in such theatres.

They consider that Sudanese battalions, recruited from the same sources as the best Sudanese battalions of the Egyptian Army, might usefully be employed in the defence of Egypt, thereby releasing a proportion of the white troops at present allotted to that theatre.

... The Council adhere to the opinion that every effort should be made not only to raise additional Sudanese units for service where they can be most suitably employed, but also to take advantage of increased recruiting to make good the deficiencies complained of in existing units..."[2]

Following these instructions, efforts to recruit the Nuba intensified. Tribal chiefs were asked to encourage enlistment within their communities. Army demonstrations were organized in an attempt to impress the Nuba, though with limited success.

Local authorities also attempted to force certain Nuba groups to provide additional re-

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2 - UK Foreign Office, FO 371, File 2672, from the War Office to the Foreign Office, dated 10 November 1916.

cruits. The Nyimang, the Tira el-Akhdar, and the Moro were singled out, according to colonial sources, because of their allegedly recalcitrant attitude.[3] They were accused of contributing to the unrest that spread through the region between 1900 and 1920. Colonial authorities believed that exposing them to military life would instill discipline and respect for the law while simultaneously fulfilling the colonial demand for military recruits

The 1924 Revolt and the Failure of the «Civilizing School»

Contrary to colonial expectations, however, the recruitment of these Nuba proved counterproductive to the colonial project. They formed the nucleus of the 11th Sudanese Battalion, stationed at Talodi, which became associated with what colonial officials described as the "dangerous element" within the army, namely Sudanese and Egyptian officers.[4] These Sudanese officers advocated Nile Valley Unity and the expulsion of Britain from Egypt and Sudan. They fostered a strong spirit of nationalism within the army.

From the time of Governor-General Wingate, Egyptian officials had been assigned to lower-ranking positions in both the army and administration, placing them in direct contact with the Sudanese population. Shared language and religion make them closer to the Sudanese, while the officers themselves came from an army that partly reflected Egyptian nationalism.

British anxieties regarding this situation were evident in a memorandum sent by the Foreign Office:

"We have evidence that in Egypt arrangements are being made to develop in the Sudan the anti-British propaganda which the Egyptians discovered during the course of last summer to be such an effective means of embarrassing His Majesty's Government without seriously inconveniencing themselves. The crux of the whole matter is the position of the Egyptian Army... The Egyptian officers serving in the Sudan are, with the exception of a very few senior men, more or less ardent nationalists, and they have converted practically all the young Sudanese officers. These young men, particularly the blacks, are suffering rather badly from swollen heads..." [5]

The Anglo-Egyptian split resulted from a struggle for control. The British sought full

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3- UK Foreign Office, 371, 3199.

4 - Kamal, p 246.

5 - UK Foreign Office, FO 371,10054, "Memorandum on the position of the Sudan" by Foreign Office, dated 8 November 1924.

اجتماع تخفيض الكتائب العاملة

بتاريخ ١١ كانون الثاني (يناير) ١٩٢٥

SECRET. HEADQUARTERS, EGYPTIAN ARMY.
KHARTOUM

QMG/5/MOVES/103. 11th January, 1925.

1. A Meeting was held at the General Staff Office at 0900 hours on the 10th instant when the following proposals were outlined : —

2. 11th Sudanese to be disposed of as indicated in QMG/5/MOVES /103 dated 8th of January, 1925. The moves to UM RUABA referred to in paragraph 8 (a) to take place on the 14th instant.

3. 10th Sudanese will be re-organised on the same lines and will garrison KADUGLI and TALODI.

4. Later, the Irregular Companies ex 10th and ex 11th will be amalgamated and will be reduced to first two and then one company and will eventually be merged in what is known the Camel Corps which formations will garrison KORDOFAN and the NUBA MOUNTAINS.

5. 9th Sudanese will be reduced by 15% under direction of the Officer Commanding Khartoum District.

6. 12th Sudanese will be withdrawn from NASSER and PIBOR POST by September, 1925 by which date the administration of PIBOR POST area will be handed to the civil. The battalion will garrison AKOBO and MALAKAL until further changes have been decided upon.

authority and retained the Egyptian flag merely as diplomatic camouflage, whereas the Egyptian ruling classes believed Sudan was their rightful possession and a natural extension of their economic sphere. They argued that they had lost Sudan during the Mahdist uprising and should not repossess it.

Many Sudanese considered their struggle part of the wider Egyptian nationalist movement. A section of the Sudanese nationalist movement later known as the “Unionists” adopted the slogan of “Unity of the Nile Valley.” Egyptian hostility toward Britain resonated strongly in Sudan and inspired nationalist sentiment there.

Against this background, a primary British objective became the withdrawal of all Egyptian military units from Sudan and the establishment of a "Sudanese" defence force under the complete control of the Sudan Government.

A Foreign Office memorandum explained:

"If the spread of disaffection in the army is to be prevented, more drastic measures are urgently called for. The Sudan Government would like to take over all the locally recruited units and convert them into a less pretentious and more economical Sudan Defence Force... The first step towards the formation of this Sudan force is to arrange for the withdrawal to Egypt of all Egyptian units stationed in the Sudan, and also of all Egyptian officers serving with Arab and Sudanese units..."[6]

The evacuation of Egyptian troops was initially planned in three phases, to conclude by 1927. However, the plan changed dramatically following a political assassination. On 19 November 1924, Major-General Sir Lee Stack, Governor-General of Sudan, was assassinated in Cairo.[7] Lord Allenby used the incident to advance British policy in Sudan. He "delivered a strongly worded ultimatum to the Egyptian government requiring it, among other things, to order, within 24 hours, the withdrawal from the Sudan of all Egyptian officers and purely Egyptian units of the Egyptian Army."[8]

Saad Zaghlul, the Egyptian Prime Minister, refused to comply with the evacuation orders, and Egyptian troops likewise refused to leave unless officially instructed by their government. Sudanese battalions that had sworn allegiance to the King of Egypt decided to accompany the Egyptian forces. The most dangerous development occurred in Khartoum on 27 November 1924, involving the predominantly Nuba 11th Sudanese Battalion.

The leaders of the revolt were two Sudanese officers, Abdel Fadil el-Maz and El-Sayed Farah. Abdel Fadil commanded two Nuba units of the battalion that had been assigned guard duties in Khartoum after the evacuation of the Egyptian troops.[9]

The two Sudanese officers arranged with Egyptian officers that they would intervene against the British. The Egyptians promised that if fighting began, their artillery would

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6 - Ibid.

7 Abdel Rahim M. (1973) Arabism, Africanism and self-identification in the Sudan, in, Wai (ed.) The Southern Sudan: the problem of National Integration in Sudan, Frank Case, London

8 - Ibid.

9 - UK Foreign Office, FO 371, 10879, from governor-general Sudan to Field-Marshal the Viscount Allenby, dated 28 December 1924.

shell the fort, the palace, and British barracks. As planned, Abdel Fadil el-Maz marched his Nuba platoons to the Musketry School, headquarters of the resistance, where El-Sayed Farah and three other officers joined them. From there the group marched along Khedival Avenue intending to join Egyptian troops in Khartoum North.[10]

Near the military hospital they clashed directly with British forces attempting to prevent them from crossing the bridge to Khartoum North. A fierce battle followed, during which three British officers and twelve soldiers were killed. On the opposing side, Abdel Fadil el-Maz and thirteen Nuba soldiers died. The military hospital, where some Nuba soldiers took refuge overnight, was shelled and partially destroyed, yet the soldiers reportedly fought until the last man.

The British blamed the Egyptians for the revolt, claiming the mutiny had been organized under orders from Ahmed Bey Rifaat to Egyptian officers who had remained at the officers' club and the Gordon Hotel pending evacuation to Egypt.[11]

The long-term significance of this confrontation was that it demonstrated the failure of the army as a "civilizing school" for the Nuba. As Hamid observed:

"Contrary to the British objective of recruiting the Nuba as civilising agents among their people, the Nuba servicemen became militant, as evidenced in their massive participation in the 1924 revolt."[12]

The rebellion also undermined the assumption that Nuba soldiers could be relied upon to suppress any future Islamic uprising similar to that of the Mahdi. Indeed, their participation in the revolt became a source of inspiration for future Sudanese nationalist movements.

By contrast, the Egyptian officers' failure to support the Sudanese, despite prior agreements, generated widespread suspicion among Sudanese nationalists regarding Egyptian intentions in Sudan. Combined with the Anglo-Egyptian Agreement of 1936, this failure contributed to a split within Sudanese politics. Some supported the slogan "Sudan for the Sudanese," while others continued to defend "Unity of the Nile Valley." These competing currents would shape future nationalist struggles.

The British military response was severe. Even officers who abandoned their men and

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10 - Ibid.

11 - UK Foreign Office, FO 371, 10879, Report by the Director of the Intelligence on the mutiny of 27 and 28 November 1924.

12 - Hamid El Bashir (1988): Agricultural Development Policy, Ethnicity and Socio-political Change in the Nuba Mountains, Sudan, the University of Connecticut, p 54.

surrendered at the Musketry School the following morning were tried and sentenced to death. The climate of repression delayed the nationalist movement for several years.

The British administration exploited the revolt to expel the Egyptians and consolidate its own hegemony. The anti-Nuba campaign formed part of this effort, as explained by the Sudan Agent, a British official in Cairo:

"...The acting Sirdar holds the opinion that the Nuba regular soldier is the most dangerous element in the army at present, and Egyptian propaganda has been far more successful with them than with anyone else... The Nuba are the stoutest-hearted race of all, and having far more independence of mind than the Upper Nile savage, might naturally be easier material for strong influences—on either side—to work upon in this way..."[13]

The British portrayed the incident as evidence both of Egyptian treachery and of Nuba susceptibility. According to an Intelligence Report of December 1924:

"The immediate instigation of the mutiny appears to have been carried out under the order of El-Kaim Ahmed Bey Rifaat of the artillery, by various Egyptian officers who had been permitted to reside in the officers' club and the Gordon Hotel pending their evacuation to Egypt." It added that, "the two Sudanese officers who were to bring out

13 - UK Foreign Office, FO 371, 10055, from Sudan Agent to First Secretary, Residency Cairo, dated 12 December 1924.

their men against the British were promised that, the moment the first shot was fired, the Egyptian artillery would support them by shelling the fort, the palace, the British barracks and other important places…"[14]

These events represented the gravest challenge to the colonial state in Sudan since the defeat of the Mahdist State. Fearing further mutiny among the remaining Nuba soldiers of the 11th Battalion, the colonial administration decided in 1924 to disband six hundred of them.

The decision created a dilemma for the authorities. Two proposals were considered. The first suggested sending the soldiers to Blue Nile Province to work on the construction of the Sennar Dam, a project central to Sudanese cotton production. This proposal was submitted to the Governor of Blue Nile Province, whose response was unfavorable. In a telegram to the Civil Secretary, he stated:[15]

"While I am most anxious to introduce any casual labour which shows promise of supplying our needs and I am ready to help carry out any reasonable experiment, I cannot feel the existence led by these Nubas, either in wild pre-army days, or under careful supervision during their army career, is helpful. If they work on rain cotton and settle down to sedentary semi-civilized existence, they might eventually be useful in their part of the world, but in my opinion they should be tried on some main cotton scheme before being brought here."

The language of the telegram reflected common colonial prejudices toward the Nuba. The Civil Secretary eventually abandoned the Blue Nile scheme, concluding that it was impractical to employ the former soldiers as casual agricultural labourers.[16]

The second proposal recommended sending the soldiers to the Nuba Mountains to establish a settlement colony devoted to rain-grown cotton under the supervision of an agricultural inspector.[17] The Governor of the Nuba Mountains Province opposed this scheme, arguing that the Nuba would simply return to their hills. Although he doubted many would accept labour at all, he preferred that the government employ them at

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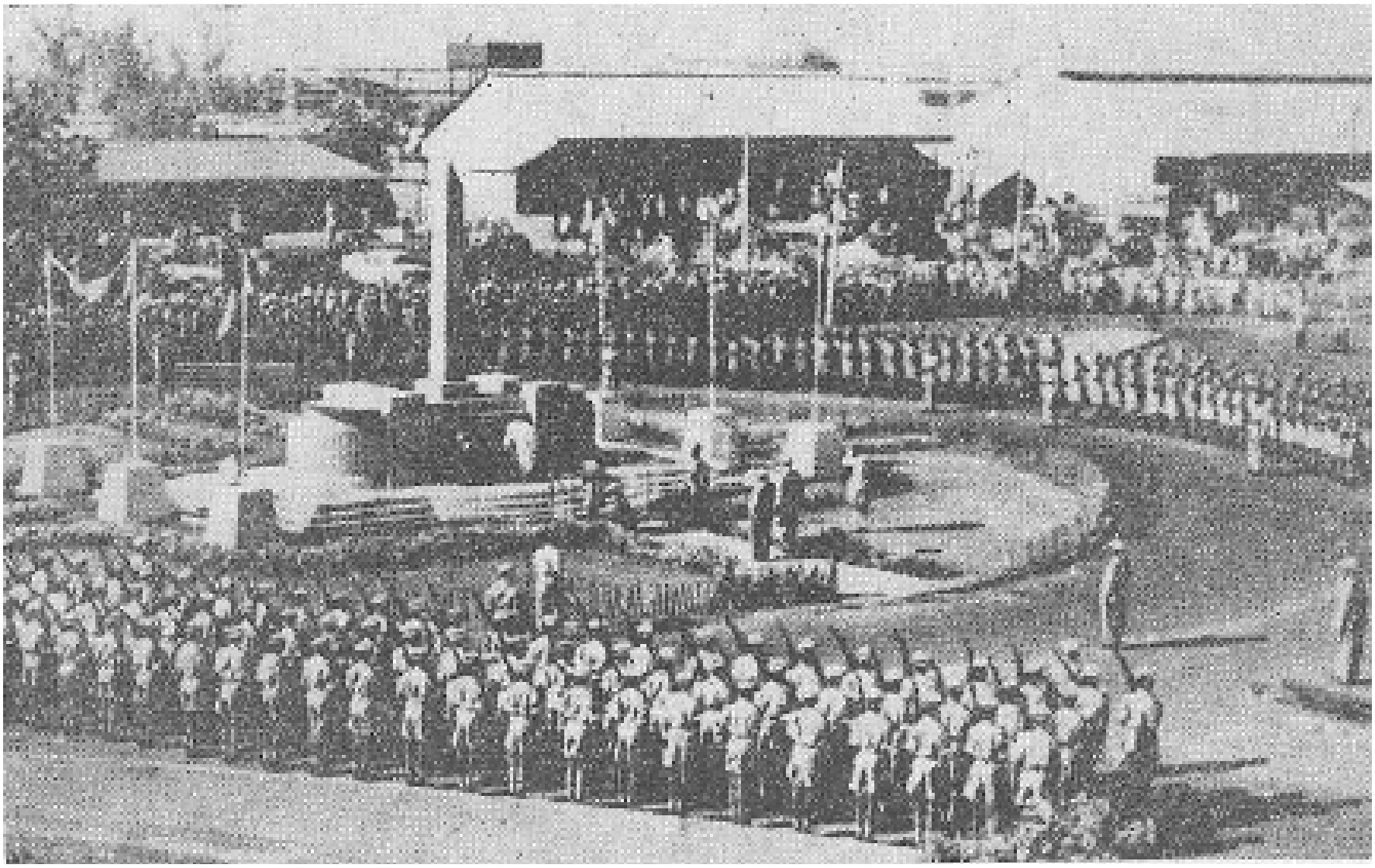
14 - UK Foreign Office, FO 371, 10879, Report by the Director of Intelligence on the mutiny of 27 and 28 December 1924.

15 - UK Foreign Office, FO 371, 10055, Telegram from Governor Blue Nile province to Civil Secretary, dated 6 December 1924.

16- UK Foreign Office, FO 371, 10055, from Civil Secretary to Governor Blue Nile province, dated 7 December 1924.

17 - Ibid.



Memorial to the martyrs' of the Sudan Defence Force in II World's War

Sennar or on the railways.[18]

Despite these objections, the colonial administration proceeded with the settlement project. The Civil Secretary proposed establishing a cotton-growing colony near Kadugli, initially accommodating two hundred soldiers. Fifty additional soldiers were assigned to the Talodi colony, which had been founded in 1918, while another group of one hundred was scheduled to establish a new colony two years later.

The colonial state remained deeply concerned about the Nuba soldiers. It sought to keep them away from the army while simultaneously preventing them from returning to their home communities. The refusal of the Governor of Nuba Province to accept the soldiers, even in remote settlements, reflected the broader “Nuba Policy” of isolating the Nuba under the authority of traditional tribal leadership and the old tribal system. Nuba soldiers who had acquired wider experience were viewed as a potential threat to colonial stability.

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18 - Uk Foreign Office, FO 371, 10055, Telegram from Governor Nuba Mountains province to Civil Secretary, dated 5 December 1924.

In the aftermath of the 1924 revolt, colonial authorities also intensified restrictions on the educated elite. Educational opportunities, already limited, were curtailed further, and the Egyptian press was banned. The government increasingly relied upon traditional tribal leadership and strengthened its alliance with the so-called "rural Sudan" against urban educated nationalists. These restrictions affected the Nuba Mountains especially severely because modern education there was only beginning to develop when it was suppressed.

Post-Revolt Containment and the Sudan Defence Force

Huddleston Pasha, Deputy Sirdar and Deputy Governor-General, became acting Sirdar and therefore Governor-General after the assassination of Sir Lee Stack.[19] The British government entrusted him with the evacuation of all Egyptian units from Sudan.

To replace the departing Egyptian troops, the Sudan Defence Force was created from five existing irregular corps that had formerly been part of the Egyptian Army in Sudan. These included the Cavalry and Mounted Rifles, the Strategic Reserve, the Eastern and Western Corps, the Camel Corps, and the Equatorial Corps.[20]

The establishment of the Sudan Defence Force revived the issue of Nuba recruitment. Although the disbanding of the "rebel" Nuba units reflected colonial anxiety, the army did not completely cease recruiting Nuba for service outside their region. On the contrary, units such as the Mounted Infantry in Shendi and the 9th Sudanese Battalion in Omdurman continued to recruit Nuba after 1924. "The former managed to recruit 180 Nuba between 1924 and 1930 while the latter achieved a total of 279 in the same period."[21]

This became a matter of internal dispute within the colonial administration. Local authorities continued demanding an end to Nuba recruitment, while central authorities—especially the army—did not share the same concerns.

The issue became particularly urgent in 1930. That year, the Civil Secretary asked the Governor of Kordofan Province, Gillan, whether there was a danger that the Nuba company in Shendi—approximately 1,880 soldiers—might become Arabized through exposure to northern and Islamic influence, and whether certain districts of the Nuba

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19 - Orlebar J. H. Colonel, The Story of the Sudan Defence Force, A paper presented to Sudan Conference, 1986.

20 - Ibid.

21 - Kamal, ibid, p254.

Mountains should therefore be closed to recruitment.[22]

Gillan's response provides important insight into the ideology behind the "Nuba Policy":

"From the practical point of view, compared with the past when the Nubas were recruited for every Sudanese unit, the Nuba recruitment in the Shendi Mounted Infantry is almost negligible. The number of Nubas exposed through it to northern and Mohammedan influence likewise bears no comparison to the number similarly exposed through migration northward for work in the Gezira.

In principle, however, I think there is a considerable difference between allowing Nuba to leave the province for commercial and agricultural employment and encouraging them to join the Sudan Defence Force. The former presents a difficult problem, and I am giving anxious consideration as to how far commercial expansion can be reconciled with tribal discipline and the preservation of Nuba culture. In the latter case, however, the government itself becomes the direct agent leading toward potential Islamization. I feel that although the numbers involved are smaller, the responsibility is greater...

If therefore Nuba recruitment in the Mounted Infantry is not absolutely essential on military grounds, I should personally welcome its abandonment.

The line of cleavage between pagan and Mohammedan Nuba areas is very confused. I presume there is practically no Arab enlistment in outside units from the ex-Nuba Mountains area, but there is I have no objection to it in moderation [it is unlikely to reach such dimensions as to affect tribal discipline]. For the practical purposes I would suggest the following formula as applicable to the class which it would be desirable to exclude from the recruitment in Mounted Infantry: all Nubas of the following districts of Kordofan; the Abu Zabad sub-district of western Kordofan; the whole of the Western jebel District; the Delami and Heiban sub-district of the Eastern jebels district; the Kadugli and Talodi sub-districts of Southern Kordofan..."[23]

The Suspension of Recruitment and the «Class Composition» System

This policy continued until December 1932, when recruitment practices were formally reviewed. Upon his promotion from Governor of Kordofan to Civil Secretary, Gillan left

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22 - Ibid.

23 - Ibid.

instructions for his successor, Newbold, requesting that all recruitment to the Shendi Company cease. He explained that "there is no doubt that the Shendi recruitment of Nuba is not in accordance with the Nuba policy."[24]

At that time, the Shendi Company consisted partly of so-called "real Nuba" from the Mountains and partly of "Khartoum Nuba," the sons of former soldiers. Plans to transform the company into an entirely "real Nuba" force reflected fears that detribalized "Khartoum Nuba" might contaminate the supposedly unsophisticated "real Nuba."

The Governor of Kordofan opposed these proposals. He requested that one of two alternatives be adopted: either transforming the company into an Arab unit or transferring it to the Camel Corps area and stationing it no farther north than Dilling.[25]

The Civil Secretary ultimately decided to convert the company into an Arab unit. The army leadership accepted this decision and began transforming the Shendi Company into a non-Nuba company while suspending Nuba recruitment altogether.

The matter did not end there. Gillan requested detailed information regarding the number of Nuba soldiers to be discharged, their home hills, their length of service, and whether long-serving soldiers had become fully Arabized and Islamized.

The Officer Commanding the Sudan Horse dismissed the assumption that the soldiers were completely Arabized as "highly speculative in theory, and in fact not borne out by the situation."[26]

The most revealing aspect of the commander's letter concerned the methods employed by the army to comply with the official policy of isolating the Nuba from Arabs:

"...Perhaps it is not quite clear to all that the Nubas have been treated differently from those in old Sudanese battalions accommodated near big suks [markets] of Omdurman, Medani, Malakal, etc. They have their own canteen run by a Greek and they have rarely been seen in the town. It is only when the Nuba becomes a senior NCO that he is liable to become contaminated by association with Arab NCOs of other squadrons in the course of their duties." [27]

As noted earlier, Nuba recruitment was effectively suspended after the disbanding of the Shendi Company in 1934. Recruitment thereafter was restricted to two Nuba com-

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24 - Ibid.

25 - Kamal, Ibid, p 261.

26 -Kamal, ibid, p 263.

27 - Ibid.

panies within the Camel Corps stationed at Dilling and Kadugli, designated Nos. 5 and 6 respectively.[28]

A crucial condition for enlistment was that 85 percent of personnel should be Nuba, while the remaining 15 percent should consist of non-Nuba but still "pagan" peoples. Gillan's response to army headquarters revealed further aspects of colonial thinking. He expressed approval of the "class composition" system, whereby military units deliberately combined tribes with histories of rivalry in order to weaken solidarity. However, he questioned whether sufficient consideration had been given to the diversity hidden behind the broad and misleading label "Nuba."

He added, "it might be a number of decades before anything in the nature of a Nuba nation could exist, comparable even with a degree of homogeneity of Dinka or the Nuer". In his view there was as much political enmity, difference in language and custom between, for instance, a Nyima and a Talodi Nuba as between the latter and the Shilluk. He wondered if more could not be done to extend the tribal scope of local recruitment and not to restrict it to such groups as the Nyima and Miri. Some, like Korongo and Kowalib, he believed, remained comparatively untapped areas. Gillan's idea as the architect of the 'Nuba Policy' was therefore to exploit the enmity between the different Nuba communities in order to weaken them. He indirectly stated the advantage this would represent for the authorities: "As long as the Nubas continue in their present state, the class composition can be made without the necessity of importing pagans from other tribes..."[29]

These arrangements were accepted and implemented in January 1934.[30] However, attempts to recruit non-Nuba "pagans" collapsed because of the "Southern Policy," under which southern non-Muslim populations were prohibited by their local administrations from travelling northward. Consequently, no further efforts were made to recruit non-Nuba pagans into Nuba companies. By 1936, the companies had become exclusively Nuba.

The reluctance of many Eastern Jebels groups—such as the Kao-Nyoro, Fungor, Eliri, Tira, and Korongo—to enlist meant that the majority of recruits came from the Western Jebels.[31] This system remained in operation until the outbreak of the Second World War.

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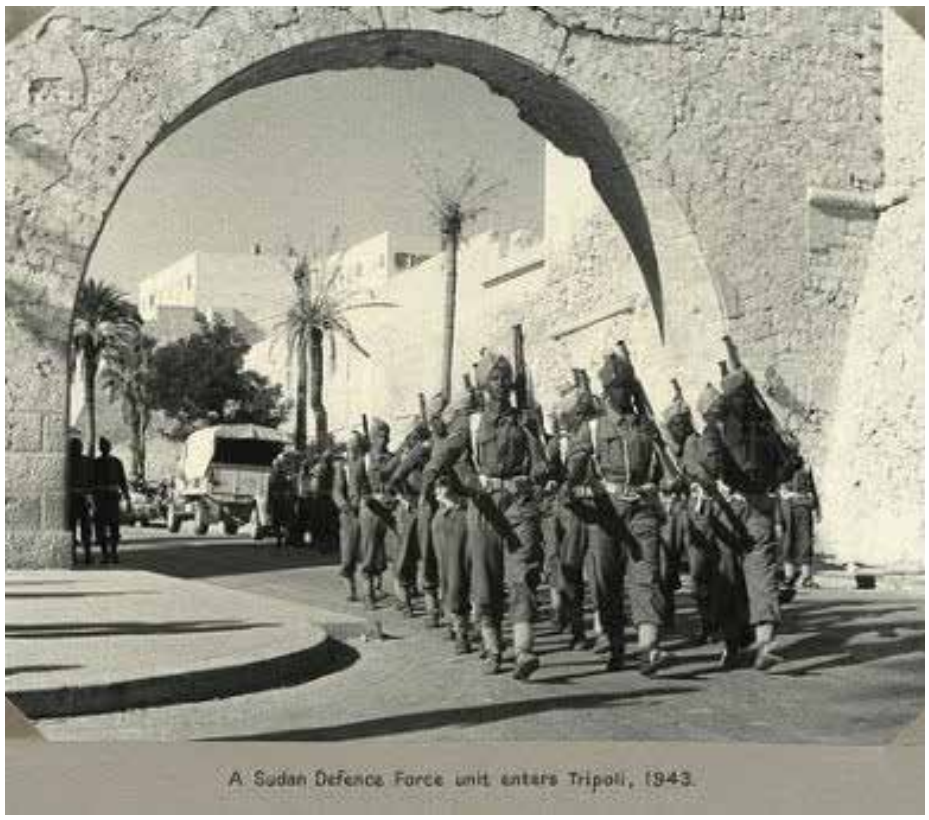
28 - Keays Bey G: "Notes on the History of the Camel Corps", Sudan Notes and Records, V. XX11. 1939.

29 - Kamal, ibid, p 272.

30 - Ibid.

31 - Ibid.

Camel Corps from Sudan Defence Force



Sudan Defence Force after defeating Italians entered Tripoli in Libya.

Another issue emerged in 1934 concerning the shortage of literate soldiers capable of handling military paperwork. As discussed in the chapter on educational policy, four decades of colonial rule in the Nuba Mountains had still failed to produce an adequate number of literate Nuba, despite financial support for missionary schools.

The Commanding Officer of the Camel Corps informed Army Headquarters that “the army requires a certain number of literate men in each company.” The few educated Nuba rarely entered military service. In his opinion, the only available alternatives were the Malwal Dinka of Aweil District or the Shilluk of the Shilluk Colony in Gedaref District. He requested twenty such men by 1935 and asked for guidance regarding acceptable recruitment sources.

The refusal of southern authorities to allow their limited educated populations to move northward halted the plan. Although the Nuba themselves demanded greater access to education, the government continued to provide only minimal educational opportunities, while missionary schools remained inadequate. When Governor Newbold, under pressure from the Nuba, proposed expanding education, the central government replied that the Nuba themselves should be taxed to fund it.

Nuba military recruitment thus became one of the clearest indicators of the contradictions inherent within the “Nuba Policy.” The demand for indigenous soldiers in order to reduce the cost of imperial administration drive recruitment efforts, while local administrators simultaneously sought to confine the Nuba within tribal structures under

the authority of traditional leaders.

Colonial perceptions of Nuba soldiers reflected several concerns. Beyond rivalry with the Egyptians and fears of nationalist agitation or Islamization at Shendi, there also existed a deeper fear of the Nuba themselves as a potential threat to colonial stability. This point is crucial for understanding colonial policy in the Nuba Mountains and the broader objectives of the so-called "Nuba Policy." Official suspicion toward Nuba soldiers was evident in the "class composition system" and in official warnings against "putting all one's pagan eggs into Nuba baskets."[32]

The policy of "class composition" sought to deepen divisions among the Nuba and undermined the proclaimed colonial project of fostering a unified Nuba "civilization" based upon collective identity. In other words, while official discourse appeared to support Nuba unity, colonial practice aimed instead to weaken the Nuba through the deliberate exploitation of tribal divisions.

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32 Kamal. ibid, p 266.

•FO. 371, 2672, From the War Office to the Foreign office, dated 10 November 1916.

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•FO. 371, 10055, telegram from Governor Blue Nile province to Civil Secretary, dated 6 December 1924.

•FO. 371, 10055, Telegram from Governor Nuba Mountains province to Civil Secretary, dated 5 December 1924.

•FO. 371, 10879, from governor-general Sudan to Field-Marshal the Viscount Allenby, dated 28 December 1924.

•FO. 371, 10879, Report by the Director of the Intelligence on the mutiny of 27 and 28 November 1924.

1. "The colonial state’s military recruitment of the Nuba people provided opportunities to implement the “Nuba Policy.” The policy was beset, however, by contradictions."

2. "The objective of keeping them away from Arab influence acted as a restraint. This contradiction generated tensions between the army and the local administration."

3. "The Nuba, who already possessed a well-established reputation as excellent soldiers, were regarded as a natural source of recruits."

4. "The majority of the Nuba Meks discouraged their men from joining the army. They feared recruits might eventually be used against their own people."

5. "The most dangerous development occurred in Khartoum on 27 November 1924, involving the predominantly Nuba 11th Sudanese Battalion."

6. "The long-term significance of this confrontation was that it demonstrated the failure of the army as a “civilizing school” for the Nuba."

Constructing Sudan *(Ibtina)* From Fragility Management to Sustainable Statehood

Professor Mekki El Shibly[1]

SECTION I — Introduction

From Failed Transition to the Need for Constructing *(Ibtina)* Sudan

Sudan's contemporary crisis represents one of the clearest examples of the limitations of conventional transition frameworks in fragile states. Despite repeated uprisings, political settlements, constitutional arrangements, and internationally supported transition processes, the Sudanese state has remained trapped within recurring cycles of instability, institutional weakness, militarised politics, and fragmented legitimacy[2]. Rather than producing sustainable transformation, successive transitions frequently reproduced the structural conditions that generated the crisis in the first place.

The December 2018 Revolution initially appeared to offer Sudan a historic opportunity to break with decades of authoritarianism, militarised governance, and political exclusion. The revolutionary movement succeeded in mobilising broad segments of Sudanese society around demands for freedom, peace, justice, and civilian democratic transition[3].

1The Theory of Constructing *(Ibtina)* was developed within a broader body of intellectual and policy-oriented work led by the author. This intellectual contribution benefited from extensive technical and editorial support in the areas of restructuring, comparative synthesis, and visualization using assistive artificial intelligence tools. Nevertheless, the theory of Constructing Sudan *(Ibtina)*, its conceptual foundations, strategic propositions, historical perspective, and conclusions remain entirely the intellectual and scholarly responsibility of the author alone.

2 Huntington and Sudan military politics literature.

3 Sudan uprising references and Hamdok transition references.

For the first time in decades, a broad civic coalition emerged capable of challenging entrenched authoritarian structures and opening the possibility of political transformation beyond regime replacement alone.

Yet the transitional process that followed quickly revealed the deeper structural fragility of the Sudanese state itself. The post-revolutionary settlement remained heavily dependent upon unstable power-sharing arrangements between civilian and military actors, while the broader structural foundations of sustainable statehood remained largely unresolved. The transitional framework struggled to address fragmented coercive authority, weak institutional coherence, centre–periphery imbalances, economic collapse, and the absence of a unified national political project. As a consequence, the transition increasingly evolved into a fragile coexistence among competing centres of power rather than a cumulative process of sustainable transformation.

The October 2021 military coup exposed the structural weakness of the transitional arrangement. Rather than representing an isolated interruption of democratisation, the coup demonstrated the persistence of deeper institutional and political contradictions within the Sudanese state. The inability of the transition to reorganise the relationship between military power, civilian legitimacy, institutional authority, and societal participation left the political system vulnerable to renewed authoritarian intervention[4].

More importantly, the coup accelerated the fragmentation of political legitimacy itself. Trust between civilian and military actors deteriorated rapidly, revolutionary forces became increasingly divided, and the state gradually lost the limited coherence achieved during the early transition period.

These contradictions culminated catastrophically in the April 2023 war between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF). The war represented not merely a conflict between rival military actors, but the violent manifestation of unresolved structural fragility accumulated over decades. It revealed the extent to which Sudan's political order remained characterized by fragmented authority, militarized competition, weak institutions, uneven legitimacy, and the absence of sustainable mechanisms regulating political power[5].

The devastating humanitarian consequences of the war further exposed the inability of conventional crisis-management approaches to address Sudan's deeper structural crisis. International mediation efforts, ceasefire negotiations, and temporary political arrangements repeatedly focused upon halting violence, restoring negotiations, or re-

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4 Sudan coup references and transitional collapse references.

5 SAF–RSF war references and humanitarian crisis references.

building transitional formulas, without fundamentally addressing the broader question of how sustainable statehood itself could be reconstructed.

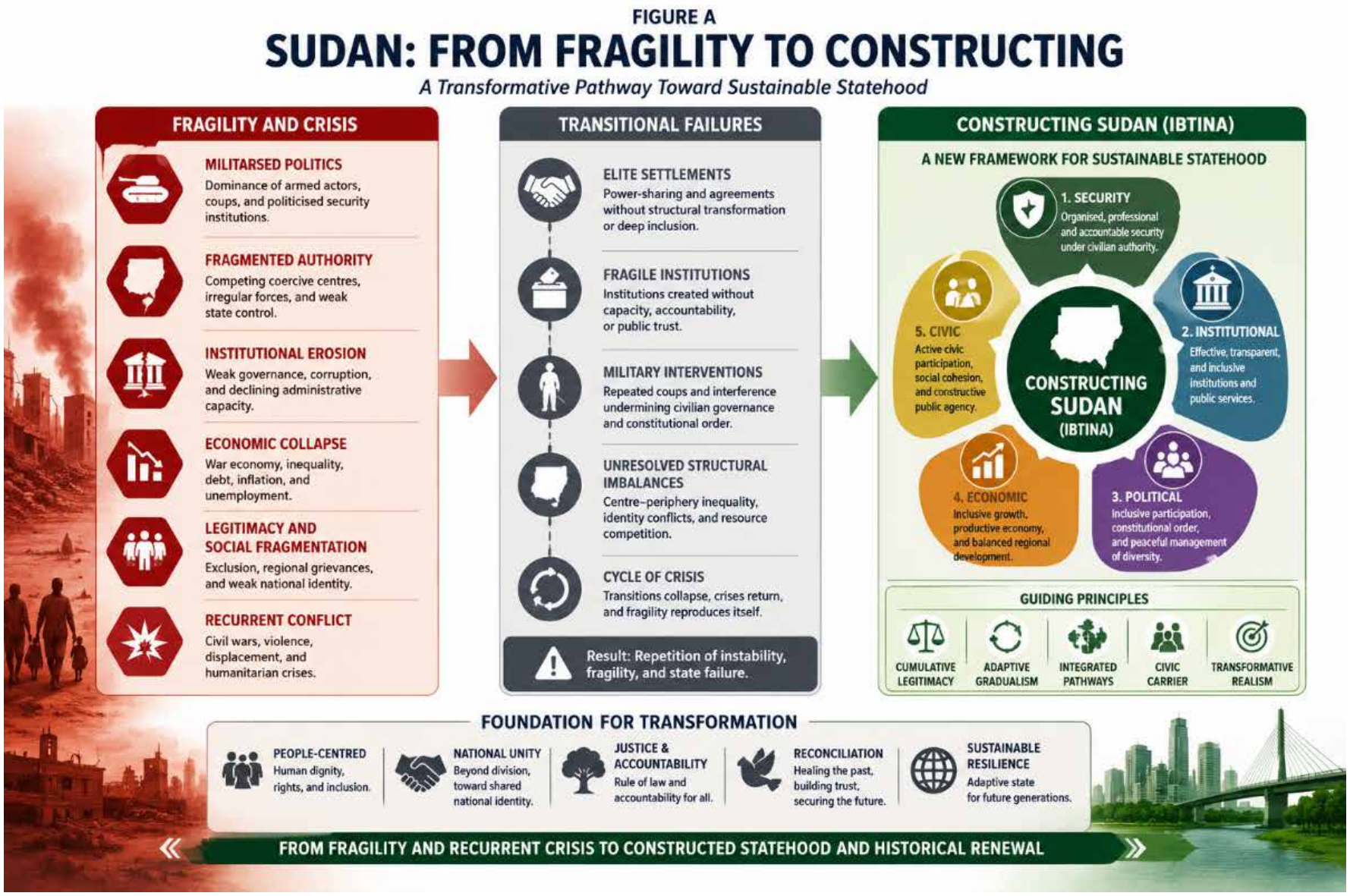
FIGURE A
SUDAN: FROM FRAGILITY TO CONSTRUCTING
A Transformative Pathway Toward Sustainable Statehood
FRAGILITY AND CRISIS
MILITARSED POLITICS
Dominance of armed actors, coups, and politicised security institutions.
FRAGMENTED AUTHORITY
Competing coercive centres, irregular forces, and weak state control.
INSTITUTIONAL EROSION
Weak governance, corruption, and declining administrative capacity.
ECONOMIC COLLAPSE
War economy, inequality, debt, inflation, and unemployment.
LEGITIMACY AND SOCIAL FRAGMENTATION
Exclusion, regional grievances, and weak national identity.
RECURRENT CONFLICT
Civil wars, violence, displacement, and humanitarian crises.
TRANSITIONAL FAILURES
ELITE SETTLEMENTS
Power-sharing and agreements without structural transformation or deep inclusion.
FRAGILE INSTITUTIONS
Institutions created without capacity, accountability, or public trust.
MILITARY INTERVENTIONS
Repeated coups and interference undermining civilian governance and constitutional order.
UNRESOLVED STRUCTURAL IMBALANCES
Centre–periphery inequality, identity conflicts, and resource competition.
CYCLE OF CRISIS
Transitions collapse, crises return, and fragility reproduces itself.
Result: Repetition of instability, fragility, and state failure.
CONSTRUCTING SUDAN (IBTINA)
A NEW FRAMEWORK FOR SUSTAINABLE STATEHOOD
1. SECURITY
Organised, professional and accountable security under civilian authority.
2. INSTITUTIONAL
Effective, transparent, and inclusive institutions and public services.
3. POLITICAL
Inclusive participation, constitutional order, and peaceful management of diversity.
4. ECONOMIC
Inclusive growth, productive economy, and balanced regional development.
5. CIVIC
Active civic participation, social cohesion, and constructive public agency.
CONSTRUCTING SUDAN (IBTINA)
GUIDING PRINCIPLES
CUMULATIVE LEGITIMACY
ADAPTIVE GRADUALISM
INTEGRATED PATHWAYS
CIVIC CARRIER
TRANSFORMATIVE REALISM
FOUNDATION FOR TRANSFORMATION
PEOPLE-CENTRED
Human dignity, rights, and inclusion.
NATIONAL UNITY
Beyond division, toward shared national identity.
JUSTICE & ACCOUNTABILITY
Rule of law and accountability for all.
RECONCILIATION
Healing the past, building trust, securing the future.
SUSTAINABLE RESILIENCE
Adaptive state for future generations.
FROM FRAGILITY AND RECURRENT CRISIS TO CONSTRUCTED STATEHOOD AND HISTORICAL RENEWAL

Within this context, Sudan's crisis cannot adequately be understood merely as a failed democratic transition or a temporary governance breakdown. Rather, it reflects a deeper historical crisis concerning the organisation of political authority, the production of legitimacy, the weakness of institutions, and the unstable relationship between state and society itself.

This article therefore argues that Sudan requires a framework that moves beyond conventional transition logic and beyond reactive fragility management. The challenge confronting Sudan is not simply how to restore a transitional government or negotiate another temporary settlement, but how to reconstruct the foundations of sustainable statehood itself.

To address this challenge, the article introduces the concept of Constructing Sudan *(Ibtina)* as a transformative framework for sustainable statehood. Unlike conventional approaches centred primarily upon power-sharing, institutional engineering, elec-

tions, or crisis containment, Constructing (Ibtina) conceptualises transformation as a cumulative historical process concerned with reorganising authority, rebuilding legitimacy, integrating society, coordinating institutional transformation, and gradually producing adaptive sustainability.

The article consequently argues that Sudan's future depends not merely upon ending war, but upon constructing the conditions under which sustainable political order becomes historically reproducible.

SECTION II — The Structural Crisis of the Sudanese State

Fragmented Authority and the Reproduction of Fragility

Sudan's contemporary crisis cannot be explained solely through the collapse of a specific government, the failure of a particular transition, or the outbreak of the April 2023 war. Rather, the current conflict reflects a deeper structural crisis embedded within the historical formation of the Sudanese state itself. The repeated failure of political transitions in Sudan demonstrates that fragility has become structurally reproduced through the interaction of fragmented authority, centre–periphery imbalance, institutional erosion, militarised politics, and chronic legitimacy deficits[6].

Successive governments in Sudan, whether civilian or military, often treated instability primarily as a political or security problem requiring temporary management. Yet the persistence of the crisis suggests that Sudan's fragility extends beyond episodic political confrontation. The crisis concerns the broader organisation of power and the inability of the state to produce sustainable institutional and societal integration.

One of the central characteristics of Sudanese fragility has been the fragmentation of coercive authority[7]. Since independence, political power frequently relied upon overlapping military, paramilitary, tribal, and regional power structures rather than a coherent monopoly over legitimate force. Instead of developing an integrated national security framework under accountable civilian authority, successive regimes often governed through competing armed networks, patronage systems, and selective militarisation.

This pattern intensified significantly during the later decades of authoritarian rule, particularly through the expansion of irregular armed formations and regional militia structures. Over time, coercive authority became increasingly decentralised and politically instrumentalised. Rather than strengthening national statehood, militarisation

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6 Governance fragility literature, and authoritarian institutional decay.

7 Weber, Migdal, and Sudan security fragmentation studies.

gradually weakened institutional coherence and contributed to the emergence of rival centres of armed power.

The conflict between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) in April 2023 represented the culmination of this long process of fragmented militarisation. The war revealed that the Sudanese state had become unable to regulate the relationship among competing coercive actors within a unified institutional framework. Instead of organised authority, Sudan increasingly experienced fragmented sovereignty itself.

At the same time, Sudan's crisis has also been shaped by enduring centre–periphery imbalances[8]. Political and economic power historically remained heavily concentrated within the central state while large regions of the country experienced varying forms of marginalisation, uneven development, and limited political inclusion. Conflicts in Darfur, South Kordofan, Blue Nile, and previously South Sudan were not merely regional rebellions, but manifestations of deeper structural inequalities embedded within the national political order.

These imbalances weakened national cohesion and reinforced fragmented patterns of legitimacy. Large segments of Sudanese society increasingly perceived the state not as a neutral national institution, but as an exclusionary structure serving narrow political and regional interests. Under such conditions, national identity itself became politically contested, while regional and local forms of mobilisation expanded in response to weak institutional integration.

Institutional erosion further deepened Sudan's structural fragility. Over successive decades, state institutions became increasingly politicised, centralised, and dependent upon personalised networks of power rather than rule-based governance. Administrative professionalism weakened, public institutions lost credibility, and institutional continuity became subordinate to regime survival.

As institutional effectiveness declined, public trust in governance structures deteriorated correspondingly. Ministries, legal institutions, and administrative systems often continued to exist formally, yet their operational legitimacy weakened substantially. In many sectors, governance increasingly depended upon informal political arrangements, emergency management, or external support rather than durable institutional capacity.

This institutional weakness significantly constrained the post-2019 transitional process. Although the December Revolution succeeded in removing the previous regime,

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8 Sudan regional inequality literature and Darfur/South Sudan references.

it inherited a state apparatus already characterised by administrative fragmentation, weakened public legitimacy, economic exhaustion, and militarised political structures. The transition therefore faced not merely a leadership crisis, but a crisis of state formation itself.

TABLE 1

STRUCTURAL DIMENSIONS OF SUDANESE FRAGILITY

DIMENSION		MANIFESTATION
AUTHORITY	1	**FRAGMENTED COERCIVE POWER** • Multiple armed actors and power centres • Overlapping chains of command • Limited state monopoly over legitimate force
INSTITUTIONS	2	**WEAK ADMINISTRATIVE CAPACITY** • Politicised and ineffective bureaucracy • Poor service delivery and infrastructure • Erosion of institutional professionalism and accountability
LEGITIMACY	3	**RECURRENT LEGITIMACY CRISES** • Weak trust in state and political actors • Repeated interruptions of civilian rule • Limited inclusion and representation
ECONOMY	4	**WAR ECONOMY AND EXCLUSION** • Conflict-driven economic structures • Regional inequalities and resource extraction • High poverty, unemployment, and inflation
SOCIETY	5	**REGIONAL AND CIVIC FRAGMENTATION** • Deep centre–periphery divisions • Ethnic, tribal, and regional mistrust • Weak social cohesion and civic identity

Sudan's legitimacy crisis similarly extends beyond the question of electoral governance alone. Throughout much of Sudan's post-independence history, political legitimacy remained unstable because governing systems repeatedly failed to establish durable equilibrium among authority, participation, institutional accountability, and societal inclusion.

Military regimes frequently relied upon coercive legitimacy, while civilian governments often struggled with institutional weakness and fragmented political coalitions. Revolutionary moments periodically generated strong popular mobilisation, yet these moments rarely evolved into sustainable institutional legitimacy capable of restructuring the broader political order.

The post-December transition reproduced many of these contradictions. Although the revolution generated substantial civic legitimacy, the transitional framework remained structurally dependent upon unstable elite bargaining between civilian and military actors. As political divisions widened and institutional reforms stalled, the transition gradually lost coherence and societal trust.

Militarised politics consequently remained one of the most persistent features of Sudanese fragility. Political competition repeatedly unfolded through security institutions, armed mobilisation, emergency arrangements, or coercive bargaining rather than through stable constitutional and institutional mechanisms. Under such conditions, political authority remained vulnerable to recurrent interruption by force. Civilian governance therefore struggled to acquire durable institutional protection, while security actors retained disproportionate influence over the broader political process.

The April 2023 war exposed the extreme consequences of this militarised political structure. Rather than functioning as institutions subordinated to national constitutional order, rival armed actors increasingly became autonomous political centres competing directly over sovereignty itself. The collapse of the transitional process into large-scale war demonstrated the extent to which Sudan lacked an integrated framework capable of regulating authority, legitimacy, institutions, and political participation within a sustainable national order.

Sudan's structural crisis therefore cannot be resolved solely through another temporary settlement, power-sharing arrangement, or ceasefire agreement. While such mechanisms may remain necessary for immediate stabilisation, they are insufficient to address the deeper structural conditions through which fragility continues to reproduce itself.

The Sudanese crisis consequently raises a broader question concerning the future of statehood itself. The challenge confronting Sudan is not merely how to restore governance temporarily, but how to reconstruct organised authority, institutional coherence, cumulative legitimacy, civic integration, and adaptive sustainability within a new framework of political transformation.

It is precisely this challenge that gives rise to the need for Constructing Sudan (Ibtina) as an alternative framework for sustainable statehood beyond crisis management and recurrent transitional failure.

SECTION III — Constructing (Ibtina) as an Alternative Framework

From Fragility Management to Transformative Realism

The repeated failure of political transitions in Sudan suggests that conventional ap-

proaches to post-conflict transformation remain insufficient for deeply fragile states. Despite peace agreements, constitutional declarations, transitional governments, and internationally supported reform programmes, Sudan has continued to experience recurring cycles of instability, militarised politics, fragmented legitimacy, institutional weakness, and violent conflict. These repeated failures raise a broader conceptual question: why do transitional arrangements repeatedly collapse without producing sustainable statehood?

This article argues that one of the central limitations of conventional transition frameworks lies in their tendency to treat fragility primarily as a temporary governance crisis rather than a structural crisis of state formation itself. As a consequence, many transitional approaches focus overwhelmingly upon elite political settlements, elections, constitutional procedures, or short-term stabilisation while insufficiently addressing the deeper relationships among power, institutions, legitimacy, and society.

Within Sudan, this limitation became particularly visible during the post-2019 transition. The transitional process succeeded temporarily in producing political opening, partial institutional reconfiguration, and international reintegration. Yet it failed to reorganise the structural foundations of sustainable political order. The broader system of fragmented coercive authority, weak institutional integration, uneven legitimacy, and militarised politics remained fundamentally unresolved. Consequently, the transition reproduced instability rather than overcoming it.

To address this conceptual gap, this article proposes Constructing Sudan (Ibtina) as an alternative framework for sustainable statehood. Constructing (Ibtina) differs fundamentally from conventional transition models because it conceptualises transformation not as a temporary political phase, but as a cumulative historical process concerned with gradually reorganising the foundations of political order itself.

Within this framework, the state is not understood merely as a formal institutional structure established through constitutions, elections, or elite agreements. Rather, statehood represents an adaptive process through which authority becomes organised, legitimacy becomes cumulative, institutions become effective, and society becomes progressively integrated into sustainable political order.

Constructing (Ibtina) therefore moves beyond narrow state-building approaches centred primarily upon administrative reconstruction or institutional engineering. While institutions remain important, sustainable transformation additionally requires legitimacy production, civic integration, adaptive coordination, and structural balance among pathways of transformation.

At the centre of the framework lies the concept of Transformative Realism. Transfor-

mative Realism seeks to establish a position between two dominant but insufficient approaches to fragile-state transformation[9].

The first is *idealised transitionism*, which assumes that fragile societies can rapidly achieve sustainable democratic order through elections, constitutional arrangements, externally designed reforms, or elite political settlements. Although these mechanisms may contribute to political opening, they frequently fail when detached from actual conditions of fragmented authority, weak institutional capacity, uneven legitimacy, and societal dislocation. Sudan's post-2019 transition demonstrated many of these limitations. Formal transitional arrangements emerged before the broader structural conditions necessary for sustainable transformation had been reconstructed. As a result, the transition remained vulnerable to military intervention, political fragmentation, and eventual systemic collapse.

The second approach rejected by Transformative Realism is permanent crisis management. Under this approach, political actors and international interventions become primarily concerned with containing instability, preventing state collapse, negotiating temporary settlements, or maintaining fragile equilibrium without addressing the deeper structures reproducing fragility itself. Within Sudan, repeated mediation initiatives often focused upon ceasefires, elite bargaining, or transitional formulas while leaving unresolved the broader crisis concerning militarised authority, institutional fragmentation, centre–periphery imbalance, and legitimacy erosion.

Transformative Realism therefore seeks an alternative path between unrealistic idealism and reactive stabilisation. It begins from existing realities without surrendering to them. The framework recognises that deeply fragile societies cannot be transformed through immediate institutional perfection or accelerated political engineering. Instead, sustainable transformation requires gradual restructuring, adaptive sequencing, cumulative legitimacy, and coordinated institutional evolution[10].

Within this perspective, legitimacy itself becomes central to sustainable transformation. Conventional transition frameworks often assume that legitimacy emerges automatically through elections, constitutional declarations, or revolutionary symbolism. Constructing (Ibtina) rejects this assumption. Legitimacy is understood instead as cumulative. It develops gradually through the interaction of institutional effectiveness, accountability, participation, civic inclusion, and societal trust.

This understanding is particularly important in the Sudanese context. The December

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9 Huntington, Lederach, Grindle, and adaptive governance literature.

10 Weber, Beetham, and Habermas.

Revolution generated substantial revolutionary legitimacy, yet the transitional system struggled to transform this mobilisation into durable institutional legitimacy. As political fragmentation deepened and governance effectiveness weakened, societal confidence in the transition gradually deteriorated. Constructing (Ibtina) therefore emphasises that legitimacy must be continuously produced rather than temporarily assumed.

The framework additionally introduces the principle of adaptive gradualism[11]. Sudan's repeated transitions frequently attempted rapid political restructuring under conditions of institutional weakness, economic collapse, fragmented security structures, and limited state capacity. Under such circumstances, accelerated transformation often intensified instability rather than resolving it. Constructing (Ibtina) instead proposes gradual transformation through adaptive sequencing capable of balancing reform pacing, institutional capacity, political inclusion, and societal integration. Gradualism within this framework does not imply political passivity or indefinite delay. Rather, it reflects the disciplined management of cumulative transformation under structurally fragile conditions.

Another central component of Constructing (Ibtina) is the concept of integrated pathways[12]. The framework argues that sustainable statehood cannot emerge through isolated reforms or sectoral interventions alone. Sudan's fragility reflects interconnected crises involving security fragmentation, institutional erosion, political exclusion, economic collapse, and weakened civic integration. Transformation therefore requires the coordinated interaction of multiple pathways: security transformation, institutional reconstruction, political inclusion, economic restructuring, and civic participation.

No single pathway can independently produce sustainable stability. Security reform without legitimacy may reproduce authoritarianism. Political agreements without institutions may intensify fragmentation. Economic reform without inclusion may deepen social resentment. Civic mobilisation without coordination may become unstable and unsustainable. Constructing (Ibtina) consequently emphasises balanced pathway integration rather than pathway dominance.

Finally, the framework introduces the concept of the civic carrier as the societal foundation of sustainable transformation. Sudan's revolutionary experience demonstrated the enormous capacity of civic mobilisation to challenge authoritarian rule. Yet mobilisation alone proved insufficient to sustain long-term transformation. Construct-

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11 OECD fragility literature and North et al.

12 institutional coordination literature and systems governance literature.

ing therefore distinguishes between reactive protest and constructive civic agency[13]. Sustainable transformation requires organised civic participation capable of contributing to legitimacy production, institutional accountability, social cohesion, and adaptive governance. Within this perspective, society is not politically secondary. Rather, civic participation becomes one of the central foundations through which sustainable statehood is gradually constructed.

Constructing Sudan (Ibtina) therefore represents more than a transitional framework. It proposes an alternative understanding of state transformation itself, one concerned not merely with managing crisis, but with gradually reconstructing the conditions under which sustainable political order becomes historically reproducible.

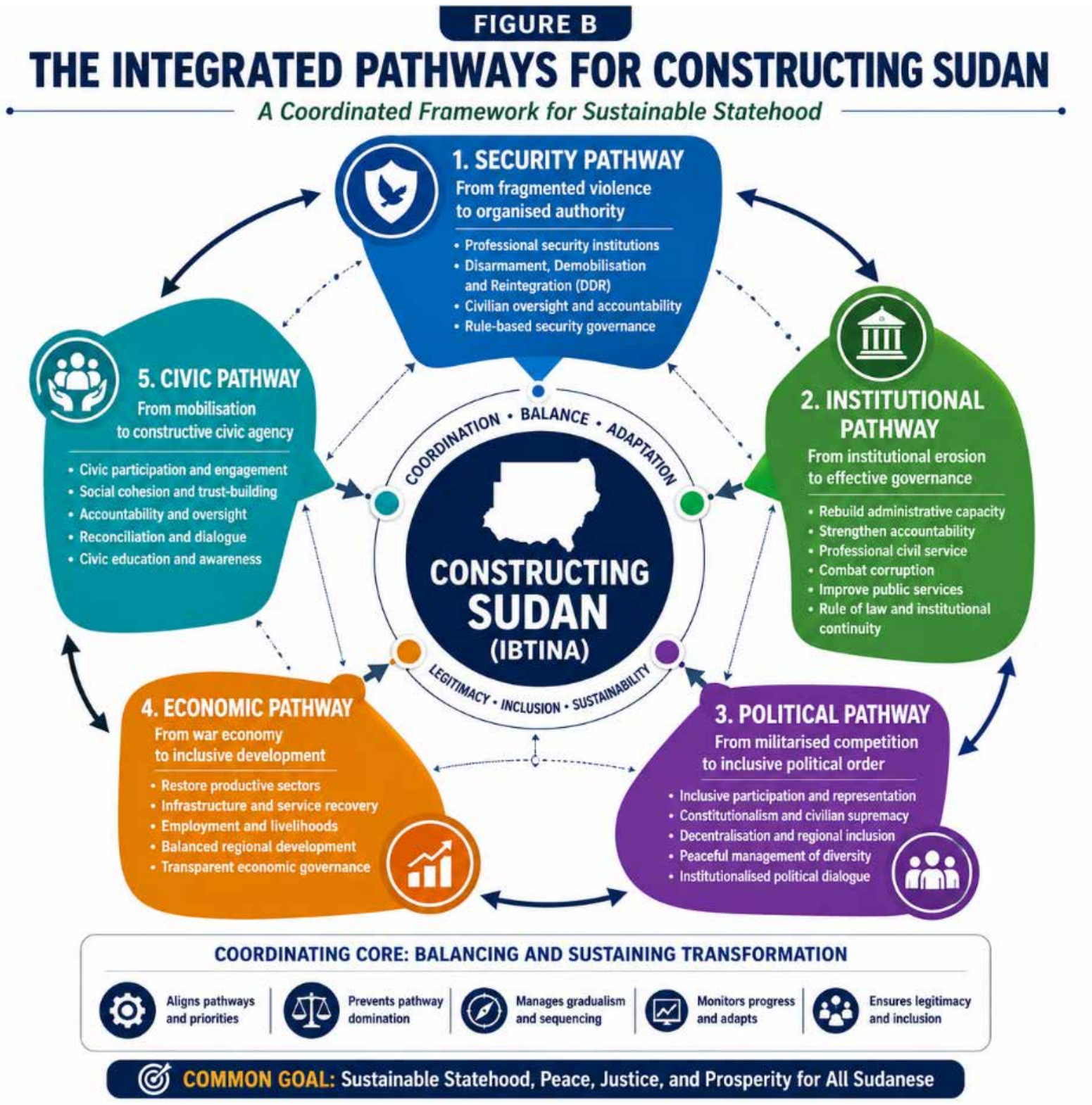
FIGURE B
THE INTEGRATED PATHWAYS FOR CONSTRUCTING SUDAN
A Coordinated Framework for Sustainable Statehood
1. SECURITY PATHWAY
From fragmented violence to organised authority
• Professional security institutions
• Disarmament, Demobilisation and Reintegration (DDR)
• Civilian oversight and accountability
• Rule-based security governance
2. INSTITUTIONAL PATHWAY
From institutional erosion to effective governance
• Rebuild administrative capacity
• Strengthen accountability
• Professional civil service
• Combat corruption
• Improve public services
• Rule of law and institutional continuity
3. POLITICAL PATHWAY
From militarised competition to inclusive political order
• Inclusive participation and representation
• Constitutionalism and civilian supremacy
• Decentralisation and regional inclusion
• Peaceful management of diversity
• Institutionalised political dialogue
4. ECONOMIC PATHWAY
From war economy to inclusive development
• Restore productive sectors
• Infrastructure and service recovery
• Employment and livelihoods
• Balanced regional development
• Transparent economic governance
5. CIVIC PATHWAY
From mobilisation to constructive civic agency
• Civic participation and engagement
• Social cohesion and trust-building
• Accountability and oversight
• Reconciliation and dialogue
• Civic education and awareness
COORDINATION • BALANCE • ADAPTATION
CONSTRUCTING SUDAN (IBTINA)
LEGITIMACY • INCLUSION • SUSTAINABILITY
COORDINATING CORE: BALANCING AND SUSTAINING TRANSFORMATION
Aligns pathways and priorities
Prevents pathway domination
Manages gradualism and sequencing
Monitors progress and adapts
Ensures legitimacy and inclusion
COMMON GOAL: Sustainable Statehood, Peace, Justice, and Prosperity for All Sudanese

13 Putnam. Gramsci, and Paulo Freire.

The framework of Constructing Sudan additionally requires a coordinating mechanism capable of balancing transformative pathways while preventing fragmentation, pathway dominance, and institutional incoherence.

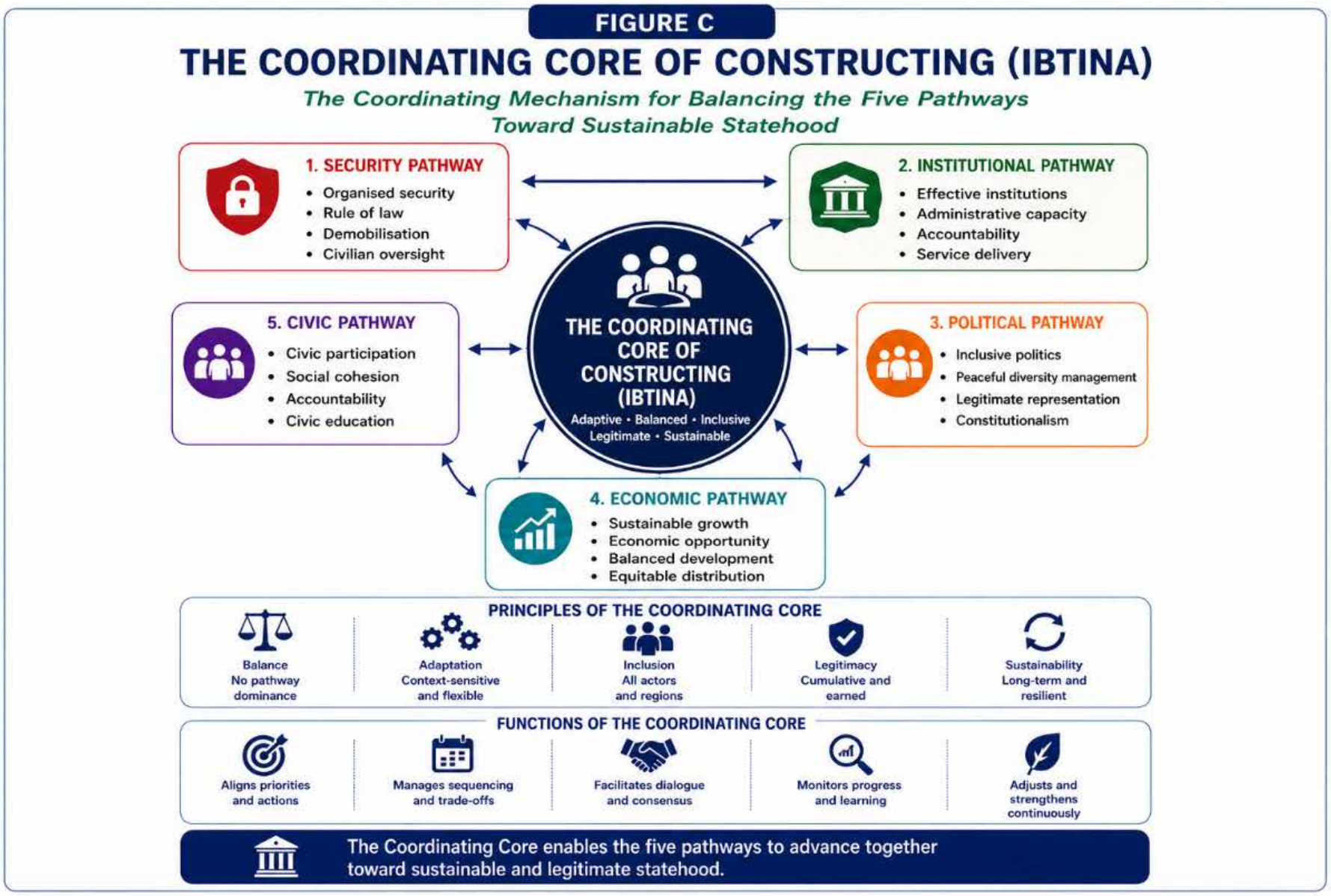

Figure C illustrates the Coordinating Core of Constructing (Ibtina) as the adaptive mechanism responsible for balancing the five transformative pathways: security, institutional, political, economic, and civic transformation. Rather than functioning as a transitional government or centralised authority structure, the Coordinating Core operates as a strategic framework for maintaining legitimacy, adaptive sequencing, institutional coherence, and cumulative sustainability. The figure further emphasises that sustainable statehood emerges through balanced interaction among pathways rather than through the dominance of a single sector such as security, politics, or economic reform alone.

The Coordinating Core is conceived not as a rigid executive authority, but as a representative and integrative coordination platform bringing together key national actors involved in sustainable transformation. Its composition may include state institutions, civilian political forces, professional and technocratic expertise, civil society and civic

networks, regional and local representation, economic and development actors, and advisory participation from academic and strategic research institutions. The purpose of such representation is to ensure pathway coordination, inclusive legitimacy, conflict-sensitive sequencing, and continuity of transformation beyond temporary political arrangements or narrow elite bargaining.

SECTION IV — The Five Integrated Pathways for Constructing Sudan

Toward Coordinated and Sustainable Transformation

The Theory of Constructing (Ibtina) introduced by this article argues that Sudan's crisis cannot be resolved through isolated reforms or temporary political arrangements alone. Sudan's fragility is multidimensional. It involves the interaction of fragmented coercive authority, weak institutions, political exclusion, economic collapse, and societal fragmentation.

Consequently, sustainable transformation requires an integrated framework capable of coordinating multiple pathways of reconstruction simultaneously. Constructing Sudan (Ibtina) therefore proposes five interconnected pathways: security, institutional, political, economic, and civic transformation.

These pathways do not operate independently. Each pathway influences and depends upon the others. Sustainable statehood therefore emerges not through the dominance of a single reform sector, but through balanced and coordinated transformation.

1. The Security Pathway — From Fragmented Violence to Organised Authority[14]

The security crisis lies at the centre of Sudan's contemporary fragility. Decades of militarised politics, irregular armed formations, regional conflicts, and competing coercive structures gradually weakened the coherence of national authority. The April 2023 war represented the most severe manifestation of this fragmentation.

Constructing Sudan (Ibtina) therefore argues that sustainable transformation requires the gradual reorganisation of coercive authority under legitimate institutional regulation. However, the framework rejects purely military understandings of stabilisation. Security transformation cannot be reduced merely to battlefield victory, ceasefire agreements, or elite military bargaining.

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14 Weber and security sector reform literature.

Instead, the security pathway seeks professionalisation of armed institutions, integration or demobilisation of irregular armed actors, restoration of civilian oversight, rule-based security governance, and reconstruction of public trust in national security institutions. Within this framework, sustainable security depends not only upon coercive capacity, but also upon legitimacy and institutional accountability. Security institutions must become instruments of national protection rather than competing centres of political power.

2. The Institutional Pathway — From Institutional Erosion to Effective Governance[15]

Sudan's state institutions experienced prolonged erosion over successive decades of authoritarianism, politicisation, corruption, and conflict. Many formal institutions continued to exist administratively while losing operational effectiveness and public legitimacy. The post-2019 transition inherited a state apparatus characterised by weakened administrative professionalism, fragmented governance, poor service delivery, and declining public trust. Constructing Sudan (Ibtina) therefore emphasises institutional reconstruction as a central pillar of sustainable statehood. Yet institutions are not understood merely as bureaucratic structures. Rather, they function as operational systems connecting authority, governance, legitimacy, and society.

The institutional pathway consequently focuses upon rebuilding administrative capacity, strengthening accountability, restoring professional civil service structures, combating corruption, improving public service delivery, and reinforcing rule-based governance. Institutional effectiveness is directly connected to legitimacy production. Where institutions fail persistently, public trust weakens and fragility deepens. Sustainable governance therefore requires institutions capable not merely of administrative survival, but of adaptive and credible performance.

3. The Political Pathway — From Militarised Competition to Inclusive Political Order[16]

One of the most persistent features of Sudanese politics has been the instability of political legitimacy and the recurrent interruption of civilian governance by military intervention. Political competition frequently unfolded through coercive bargaining, unstable alliances, emergency arrangements, or armed confrontation rather than through durable constitutional mechanisms. Constructing Sudan (Ibtina) therefore seeks to transform politics from a struggle over domination into a framework for negotiated and sustainable coexistence. The political pathway focuses upon inclusive participation, constitutional continuity, peaceful management of diversity, decentralised

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15 Fukuyama, Evans, and governance capacity literature.

16 inclusive settlements literature, constitutional transition literature.

governance, negotiated legitimacy, and institutionalised political dialogue.

The framework also emphasises that elections alone cannot guarantee sustainable political order. Sudan's crisis reflects not merely the absence of electoral procedures, but the absence of broader institutional and societal integration capable of sustaining democratic governance. Political transformation therefore requires balanced civilian–military relations, constitutional clarity, regional inclusion, and mechanisms capable of regulating disagreement without systemic collapse. The objective is not temporary political coexistence, but the gradual emergence of a political order capable of managing diversity without reproducing instability.

4. The Economic Pathway — From War Economy to Inclusive Development[17]

Sudan's economic crisis has become deeply intertwined with political instability and armed conflict. Decades of uneven development, predatory extraction, corruption, regional inequality, and war economy structures contributed significantly to social fragmentation and weakened state legitimacy. The economic collapse accompanying the April 2023 war further intensified displacement, poverty, institutional breakdown, and humanitarian dependency.

Constructing Sudan (Ibtina) therefore understands economic transformation not merely as growth generation, but as the reconstruction of productive and socially stabilising economic relations. The economic pathway seeks restoration of productive sectors, agricultural and industrial recovery, infrastructure rehabilitation, employment generation, balanced regional development, and transparent economic governance. Within this framework, economic policy becomes directly linked to legitimacy, social cohesion, and political sustainability.

Economic exclusion reproduces fragility. Sustainable transformation therefore requires inclusive economic participation capable of reconnecting citizens to the broader national project. For Sudan specifically, economic reconstruction must additionally address centre–periphery disparities, war-related destruction, displacement, and the rebuilding of local productive capacity across conflict-affected regions.

5. The Civic Pathway — From Revolutionary Mobilisation to Constructive Civic Agency[18]

One of the most important lessons of Sudan's recent history is the extraordinary role played by civic mobilisation. The December Revolution demonstrated the capacity of

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17 Acemoglu & Robinson, Sen, and World Bank fragility literature.

18 Putnam, Habermas, and social capital literature.

Sudanese society, particularly youth, women, professional associations, neighbourhood resistance committees, and civic networks, to challenge authoritarian rule and articulate demands for democratic transformation. Yet the post-revolutionary experience also revealed the limitations of mobilisation without durable institutional integration. Fragmented political coordination, weak organisational continuity, and the absence of sustainable civic incorporation gradually reduced the transformative capacity of revolutionary momentum.

Constructing Sudan (Ibtina) therefore introduces the concept of constructive civic agency. The civic pathway seeks to transform civic mobilisation from reactive protest into organised participation capable of contributing to legitimacy production, institutional accountability, social cohesion, reconciliation, and adaptive governance. Within this framework, civil society is not external to state formation. Rather, it functions as the societal carrier of sustainable transformation itself.

The civic pathway therefore emphasises dialogue, participation, trust-building, accountability, and inclusive societal engagement as essential foundations of long-term stability. Without organised civic participation legitimacy weakens, institutions become socially disconnected, and transformation risks reproducing authoritarian or fragmented structures.

Integrated Transformation and Sustainable Statehood

The central proposition of Constructing Sudan (Ibtina) is that no single pathway can independently produce sustainable stability. Security without legitimacy may generate authoritarian coercion. Politics without institutions may intensify fragmentation. Economic reform without inclusion may deepen social resentment. Civic mobilisation without coordination may become unsustainable. Sudan's repeated transitions failed partly because transformative pathways remained disconnected from one another. Security arrangements unfolded without institutional restructuring. Political settlements emerged without civic integration. Economic reforms proceeded without legitimacy. Institutional reforms lacked coordinated national direction.

Constructing Sudan therefore argues that sustainable statehood depends upon integrated pathway coordination. Transformation must proceed through organised authority, effective institutions, cumulative legitimacy, civic participation, and adaptive coordination within a coherent national framework of reconstruction. Within this perspective, Sudan's future depends not merely upon ending war or restoring temporary governance, but upon gradually constructing the foundations of sustainable political order itself.

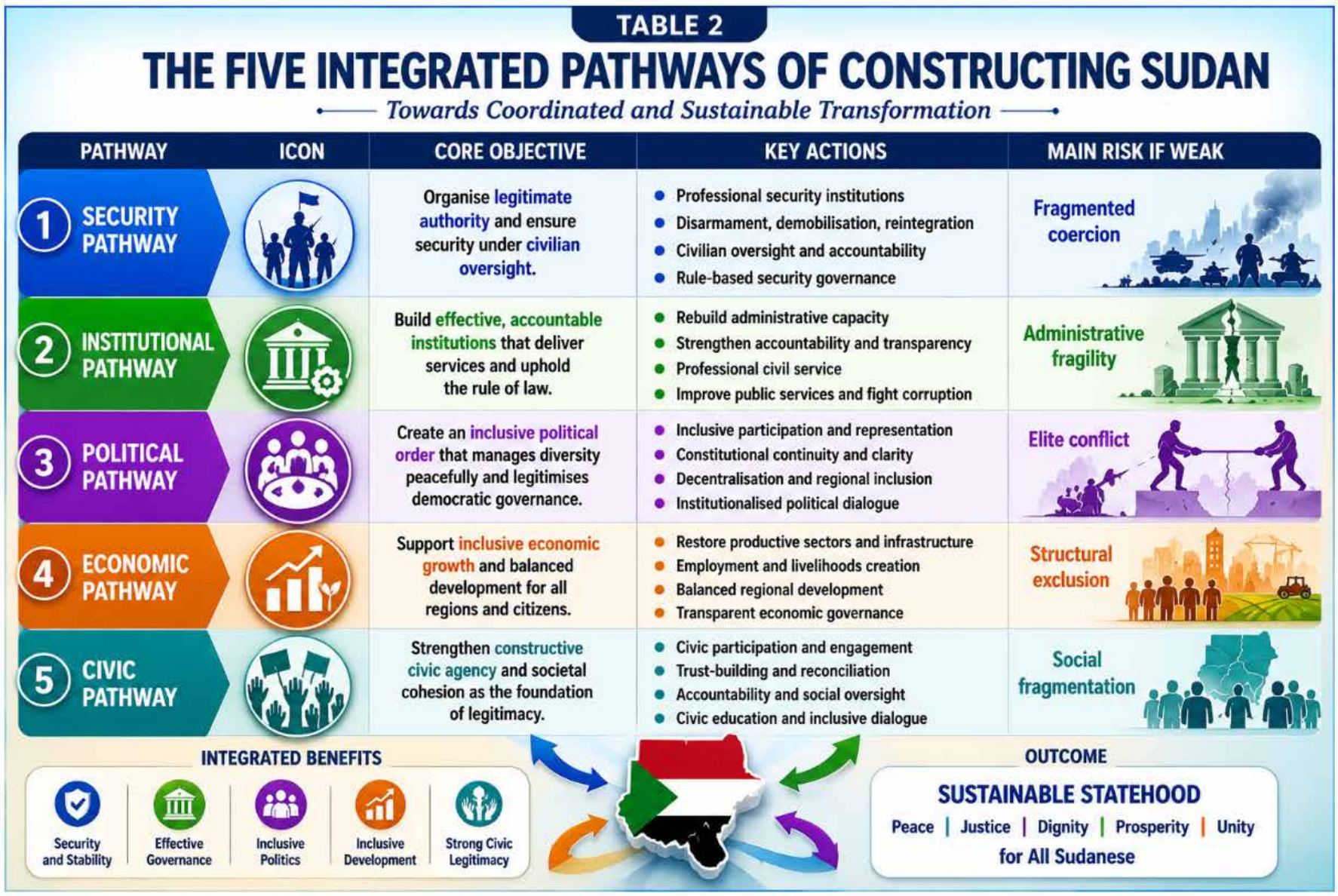
TABLE 2
THE FIVE INTEGRATED PATHWAYS OF CONSTRUCTING SUDAN
Towards Coordinated and Sustainable Transformation
PATHWAY
ICON
CORE OBJECTIVE
KEY ACTIONS
MAIN RISK IF WEAK
1 SECURITY PATHWAY
Organise legitimate authority and ensure security under civilian oversight.
Professional security institutions
Disarmament, demobilisation, reintegration
Civilian oversight and accountability
Rule-based security governance
Fragmented coercion
2 INSTITUTIONAL PATHWAY
Build effective, accountable institutions that deliver services and uphold the rule of law.
Rebuild administrative capacity
Strengthen accountability and transparency
Professional civil service
Improve public services and fight corruption
Administrative fragility
3 POLITICAL PATHWAY
Create an inclusive political order that manages diversity peacefully and legitimises democratic governance.
Inclusive participation and representation
Constitutional continuity and clarity
Decentralisation and regional inclusion
Institutionalised political dialogue
Elite conflict
4 ECONOMIC PATHWAY
Support inclusive economic growth and balanced development for all regions and citizens.
Restore productive sectors and infrastructure
Employment and livelihoods creation
Balanced regional development
Transparent economic governance
Structural exclusion
5 CIVIC PATHWAY
Strengthen constructive civic agency and societal cohesion as the foundation of legitimacy.
Civic participation and engagement
Trust-building and reconciliation
Accountability and social oversight
Civic education and inclusive dialogue
Social fragmentation
INTEGRATED BENEFITS
Security and Stability
Effective Governance
Inclusive Politics
Inclusive Development
Strong Civic Legitimacy
OUTCOME
SUSTAINABLE STATEHOOD
Peace | Justice | Dignity | Prosperity | Unity
for All Sudanese

SECTION V — Conclusion — From Transition Failure to Historical Renewal

Sudan's contemporary crisis demonstrates the limitations of conventional approaches to political transition in fragile states. Repeated attempts at power-sharing, constitutional restructuring, elite negotiation, and externally supported stabilisation have repeatedly failed to produce sustainable political order. Instead, Sudan has remained trapped within recurring cycles of militarised politics, fragmented legitimacy, institutional weakness, economic deterioration, and violent conflict.

The collapse of the post-December 2018 transition and the outbreak of the April 2023 war revealed that Sudan's crisis extends beyond temporary governance failure. The crisis concerns the broader structural foundations of the Sudanese state itself, particularly the unstable relationship among authority, institutions, legitimacy, and society.

This article has therefore argued that Sudan requires a framework capable of moving beyond both idealised transition models and reactive fragility management. The challenge confronting Sudan is not merely how to restore a transitional arrangement or negotiate another temporary settlement, but how to reconstruct the foundations of sustainable statehood itself.

To address this challenge, the article introduced the concept of Constructing Sudan (Ibtina) as a transformative framework for adaptive and cumulative political reconstruction. Constructing (Ibtina) differs from conventional state-building approaches because it conceptualises transformation not as a temporary procedural phase, but as a historical process concerned with reorganising authority, rebuilding legitimacy, integrating society, strengthening institutions, and producing sustainable political order.

At the centre of this framework lies the concept of Transformative Realism[19]. Rather than pursuing unrealistic institutional idealism or accepting permanent crisis management, Transformative Realism seeks gradual and adaptive transformation grounded in actual structural conditions. Sudan's repeated failures demonstrate that sustainable transformation cannot emerge through elections alone, elite agreements alone, or stabilisation mechanisms alone. Instead, legitimacy must become cumulative, institutions must become adaptive, and transformation must proceed through coordinated and balanced reconstruction.

The article further argued that sustainable statehood in Sudan depends upon the integration of five interconnected pathways: security transformation, institutional reconstruction, political inclusion, economic restructuring, and civic participation.

No pathway can independently stabilise the Sudanese state. Security without legitimacy risks reproducing authoritarian instability. Political settlements without institutions deepen fragmentation. Economic reform without inclusion intensifies exclusion and resentment. Civic mobilisation without coordination becomes difficult to sustain.

Sudan's repeated transitional failures partly resulted from the absence of integrated pathway coordination. Reforms unfolded in isolation while deeper structural imbalances remained unresolved. Constructing Sudan (Ibtina) therefore emphasises coordinated transformation rather than fragmented reform.

The article additionally highlighted the strategic importance of the civic dimension of transformation. Sudan's revolutionary experience demonstrated that sustainable transformation requires not merely political opposition, but constructive civic agency capable of contributing to legitimacy production, institutional accountability, social cohesion, and adaptive governance. Within this perspective, society is not politically secondary. Rather, civic participation becomes one of the principal foundations through which sustainable statehood is gradually constructed.

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19 Reference earlier conceptual literature.

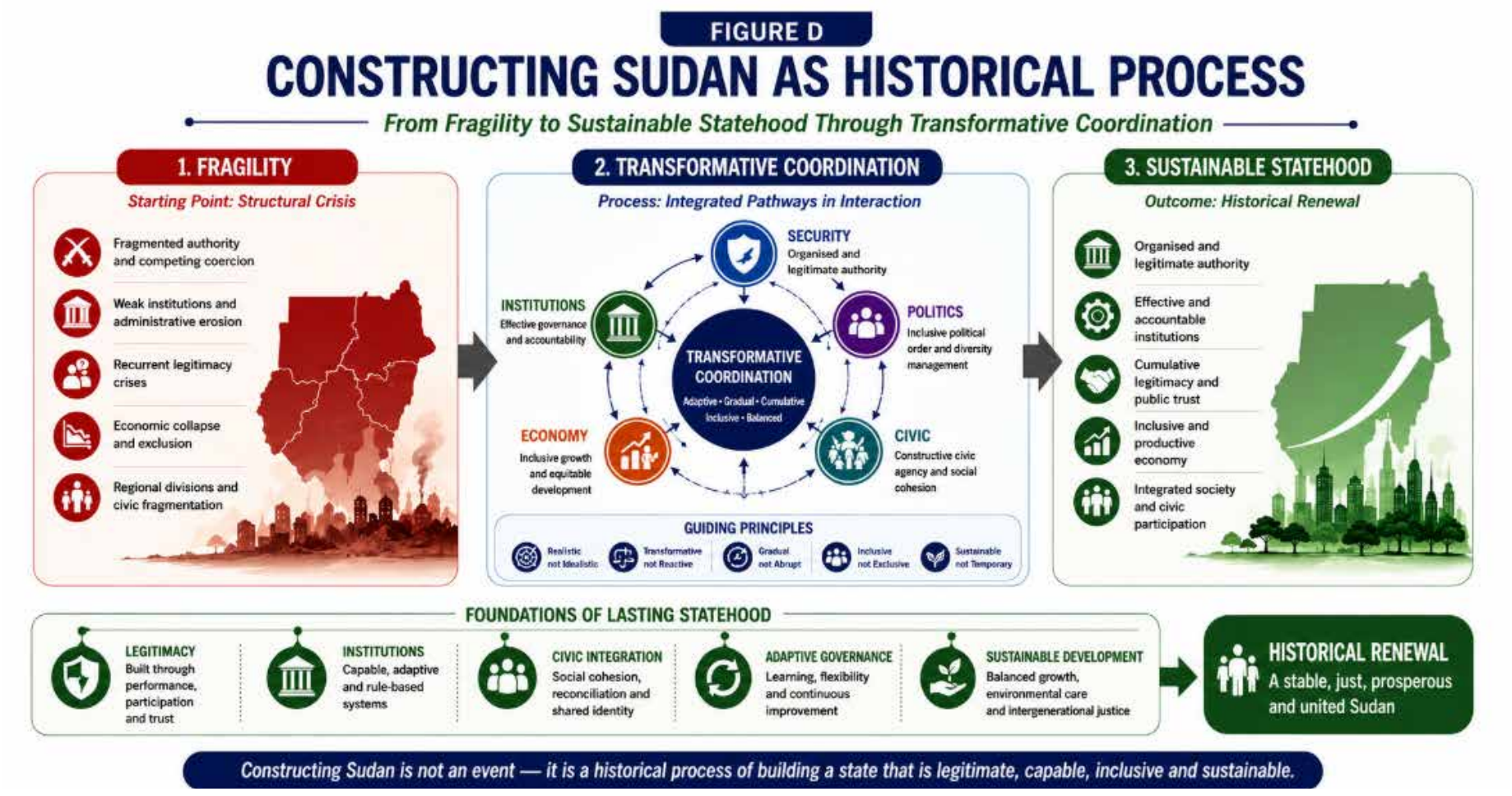


FIGURE D
CONSTRUCTING SUDAN AS HISTORICAL PROCESS
From Fragility to Sustainable Statehood Through Transformative Coordination
1. FRAGILITY
Starting Point: Structural Crisis
Fragmented authority and competing coercion
Weak institutions and administrative erosion
Recurrent legitimacy crises
Economic collapse and exclusion
Regional divisions and civic fragmentation
2. TRANSFORMATIVE COORDINATION
Process: Integrated Pathways in Interaction
SECURITY
Organised and legitimate authority
INSTITUTIONS
Effective governance and accountability
POLITICS
Inclusive political order and diversity management
TRANSFORMATIVE COORDINATION
Adaptive · Gradual · Cumulative
Inclusive · Balanced
ECONOMY
Inclusive growth and equitable development
CIVIC
Constructive civic agency and social cohesion
GUIDING PRINCIPLES
Realistic not Idealistic
Transformative not Reactive
Gradual not Abrupt
Inclusive not Exclusive
Sustainable not Temporary
3. SUSTAINABLE STATEHOOD
Outcome: Historical Renewal
Organised and legitimate authority
Effective and accountable institutions
Cumulative legitimacy and public trust
Inclusive and productive economy
Integrated society and civic participation
FOUNDATIONS OF LASTING STATEHOOD
LEGITIMACY
Built through performance, participation and trust
INSTITUTIONS
Capable, adaptive and rule-based systems
CIVIC INTEGRATION
Social cohesion, reconciliation and shared identity
ADAPTIVE GOVERNANCE
Learning, flexibility and continuous improvement
SUSTAINABLE DEVELOPMENT
Balanced growth, environmental care and intergenerational justice
HISTORICAL RENEWAL
A stable, just, prosperous and united Sudan
Constructing Sudan is not an event — it is a historical process of building a state that is legitimate, capable, inclusive and sustainable.

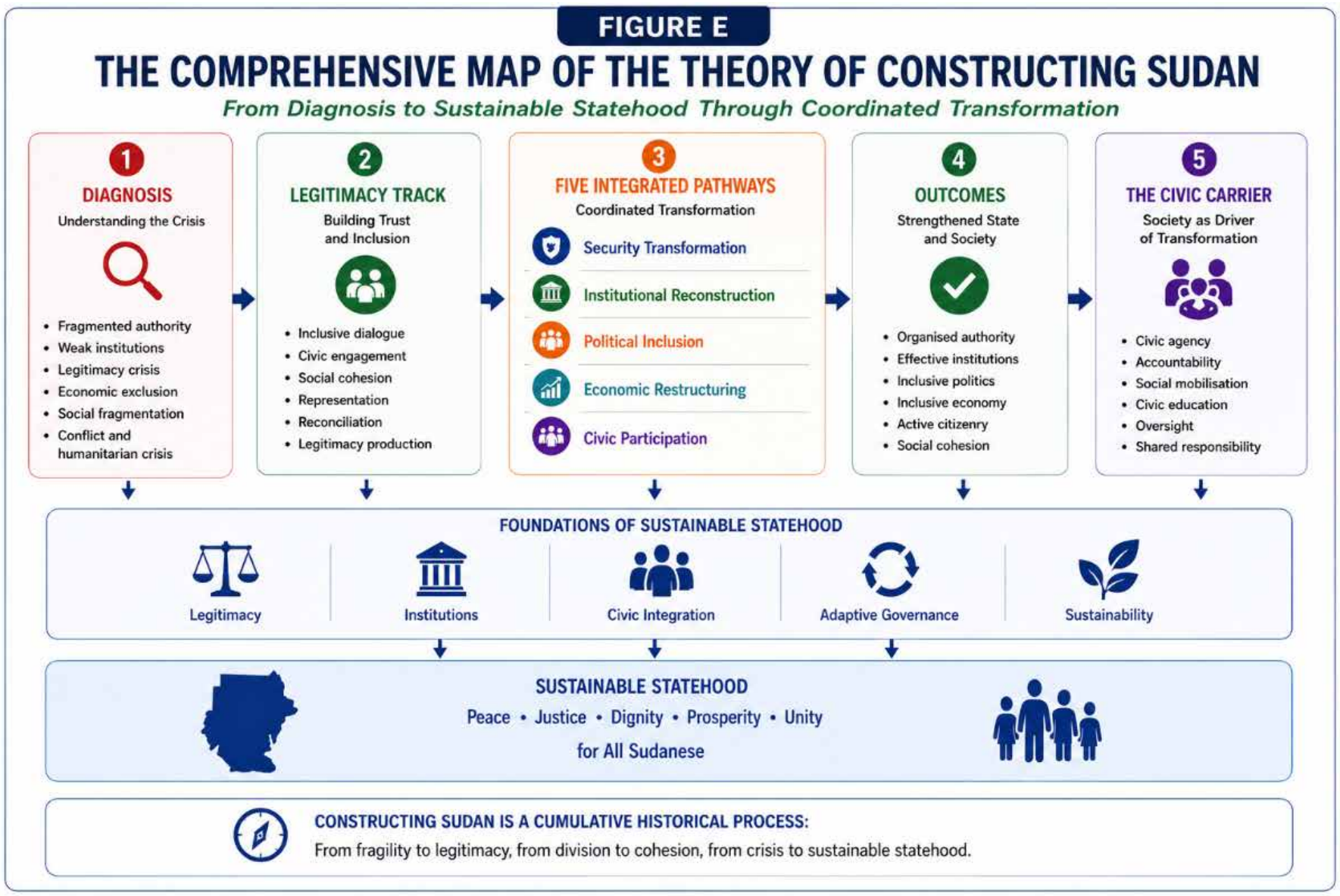
The broader implication of Constructing Sudan (Ibtina) is that sustainable transformation cannot be reduced to ending war alone. While ceasefires and political settlements remain necessary, they are insufficient unless linked to a broader framework capable of reconstructing organised authority, institutional coherence, cumulative legitimacy, and societal integration.

Sudan therefore faces a historical choice between two trajectories. The first is the continuation of reactive fragility management characterised by temporary stabilisation, militarised bargaining, fragmented governance, and recurring crisis reproduction.

The second is the gradual construction of sustainable statehood through adaptive transformation, coordinated reconstruction, and cumulative legitimacy production. Constructing Sudan (Ibtina) ultimately argues that sustainable stability cannot simply be negotiated into existence through temporary political arrangements. It must be historically constructed through the gradual integration of organised power, effective institutions, civic participation, adaptive governance, and societal legitimacy.

The Theory of Constructing Sudan ultimately conceptualises sustainable statehood as a cumulative historical process integrating diagnosis, legitimacy production, institutional reconstruction, and adaptive coordination within a unified transformative framework.

Figure E presents the broader conceptual architecture of Constructing Sudan as a cu-



mulative and adaptive process of historical transformation. The framework integrates structural diagnosis, legitimacy production, institutional reconstruction, civic participation, adaptive governance, and sustainability within a coordinated process of state formation. The figure further demonstrates that Constructing (Ibtina) is not conceived as a temporary political event or transitional arrangement, but as a continuous process.

Within this broader perspective, the future of Sudan depends not merely upon post-war recovery, but upon the emergence of a new framework of political transformation capable of moving from fragmentation to integration, from temporary equilibrium to adaptive sustainability, and from fragility management to historical renewal.

Constructing Sudan *(Ibtina)* therefore represents not simply a transition strategy, but a long-term framework for rebuilding the foundations of sustainable political order in Sudan and potentially in other fragile and post-conflict societies confronting similar crises of legitimacy, authority, and statehood.

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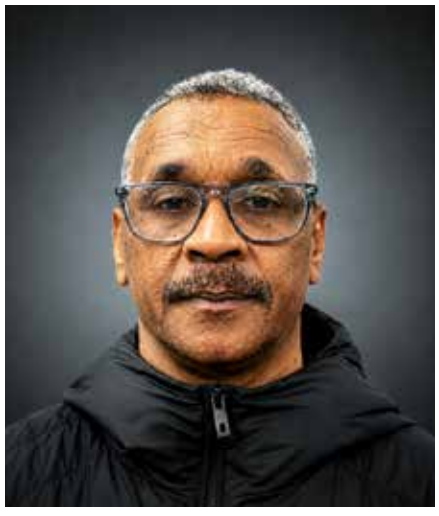

Dr. Abdulkhalig
Elsir Alhassan

Intellectual activities for whom and for what:

A reflection on the Sudanese intellectual activities in Australia

Abstract

Intellectual contribution, whether in art or academic discourse, has always been at the core of Sudanese cultural life. The consistent political instability and unsuccessful attempts to establish democratic rule since independence in 1956 have elevated the importance of art and other intellectual forms as means to highlight structural problems and offer alternatives. Literary and intellectual symposiums are common nighttime activities in Sudan›s cities. Following the Islamist takeover in 1989, many Sudanese migrants who relocated to Western countries, including Australia, maintained this tradition of intellectual activism. This paper investigates whether these intellectual activities play a role in their settlement and integration process in their host countries or if they primarily serve as a connection to their homeland. Findings indicate that most intellectual activities organized by Sudanese migrants in Australia have shown little interest in addressing integration issues or bridging cultural gaps. Instead, these intellectual activities predominantly focus on political issues in Sudan, serving mainly as a means to maintain connections with their homeland.

Introduction

Global human mobility in the 20th and 21st centuries has led to many ethnic and other distinct population groups ending up in various parts of the world. In some cases, there are vast socio-cultural differences between immigrants and their host society. Scholars such as Homi Bhabha (1997) conceptualized them as subalterns - occupying bottom positions of the social strata in the Western world. Such situations prevented some immigrants from ever settling in the new host society; they were torn between settling down there and returning to their original homeland, if possible (Safran, 1991). By extension, migrants, due to their low social status in the Western countries, hardly have any agency. They are often represented and labeled as ‘others’ within the dominant culture, as Spivak (2003) argues. Spiv-

ak goes on to depict them as another version of subordinated and marginalized subalterns lacking communication means and required skills in the Western context. In her famous essay "Can the Subaltern Speak?", published in 1985, Spivak stretched the term Subaltern beyond its Gramscian concept to include all those deprived and subordinated groups who are voiceless and are constantly represented by dominant groups. The Gramscian concept evolved over time and eventually included low status groups of women, peasants, religious groups, unskilled laborers, and different ethnic groups (Green 2002). As Thomas (2018, p.861) mentioned, "The subaltern is usually understood today as a figure of exclusion, representing the specular opposite of the citizen. If the citizen is defined by participation in a political community, the subaltern represents a lack of access to institutions of rights and obligations."

the emergence of the Internet and social media, one can argue, have cast doubts on the notion that migrants resemble subalterns in their lack of voice and agency, at least at the level of contestation.

However, the emergence of the Internet and social media, one can argue, have cast doubts on the notion that migrants resemble subalterns in their lack of voice and agency, at least at the level of contestation. Moore-Gilbert (2000) argues that the affirmation of Spivak›s assertion that subalterns are doomed to be voiceless and lack of self-representation in modern life sounds essential rather than historical. Nevertheless, it is noteworthy to stress that the notion of Spivak cannot be underestimated or disregarded given the complexity of migrants' situations in the post-modern world. It is a matter of fact that the Internet revolution has been a paradigm shift in power relationships at the level of representation and agency regardless of the gaps in class, development, and economic status. However, that does not mean the subalternity of the migrants in the Western countries no longer existed. Having that said, it is legitimate to say they are in a better position compared to eras of traditional media, whereas minorities and migrants are helplessly destined to be represented and voice muted by the dominant media of the ruling class.

These significant changes in the interrelations between diaspora communities and their homelands in the global era have become possible thanks to the revolutionized technology of communication, by which sort of belonging and reconnection with distant families, relatives and old friends have become possible. As Chari (2014, p.103) remarks, "Diaspora communities try to maintain connections with the home country and other parts of the world through both interpersonal communication networks and mass communication. This is important since most people in the diaspora hope to return to their home country.". Longing and belonging are among factors that act as the most salient motivations encouraging the migrants to lay direct connections with their homelands. In regard to the Sudanese migrants the same can be applied. Many studies have confirmed the intensity of reaching out

to their homeland utilizing various instruments such as political activism, remittances and fund raising for social and political purposes (Abu Sharaf, 2002, Wilcock, 2018).

Since it emerged in the post-modern era, the Internet revolution has been a a paradigm shift in terms of social, political, and economic power relationships. The monopoly of truth and representation since then has been contested. marginalized and minority groups are no longer invisible. Cyberspace has become a platform of self-representation and the voices of the voiceless of underrepresented minority groups in any given dominant culture. As Adamson (2016, p.297) argues:

> *[T]he emergence of cyberspace as a new arena for political interaction also has the potential to create broader shifts in political consciousness and identity, allowing people to participate in a global "marketplace" of identities that exist beyond state control and to recreate national identities and in situations in a virtual form.*

The interactive nature of the internet and its neutrality as a communicative medium is different from the traditional mass media. Unlike the latter, it has the ability to offer users an opportunity to engage and disseminate their own materials equally as anyone else no matter its position in the social, economic, and political strata (Poster, 2013). Furthermore, Chan (2005) argues that the Internet can be used by migrants as a space to resist and speak against their homeland regimes, and as a platform from which they articulate their political opposition against any political, social, and economic suppression their people back home are subjected to. To Mitra (2001), cyberspace provides migrants with the opportunity to have their own voices and build identities that challenge the stereotyping images created and circulated by the dominant culture.

The purpose of this paper is to explore the intellectual activities of the Sudanese diaspora in Australia. On one hand, the main idea is to review and reflect on the activities they run through their entities across Australia. On the other hand, is to investigate whether or not such intellectual activities have anything to do with their life in Australia in terms of bridging the cultural gap through culture-introducing and aesthetic contribution or mainly targeting the homeland's audience. Bear in mind, the importance of intellectual activities compared with other diasporic activities lies in their effectiveness as a voice and a form of self-representation for both individuals and groups in a contested environment whereas the issue of representation and providing a voice has always been a focal point in diaspora life.

The Global Context of Sudanese Diaspora Platforms

Similar to other migrant groups, the Sudanese diaspora recognized the importance of intellectual activities during the early stages of their resettlement across the globe. They have found it an effective way to link themselves with the political, social, and cultural issues of

the homeland. To achieve that, they created many platforms in different continents urging people from inside and outside Sudan to engage in the home issues and building a huge social, political and arts networks. At the beginning, many online discussion forums have born and died within a short time, like, sudan.net[1] in the late 1990s. However, some other platforms have shown endurance and contributed heavily enabling the Sudanese migrants to maintain their intellectual activities. The following lines will highlight the role of those platforms and their influences in the Sudanese diasporic life.

Sudaneseonline.com

Sudaneseonline.com is the most famous and influential among other Sudanese platforms. The forum emerged in 1999 by IT engineer, Bakri Abubakr, a member of the Sudanese diaspora from Arizona state, USA[2].The expansive website has successfully connected hundreds of thousands of Sudanese expatriates worldwide with their compatriots back home. According to Awad (2013), Sudaneseonline website has a significant role in connecting people of Sudan from all over the world. It has facilitated communication and information exchange between those who live in the homeland and those who live in the diaspora. According to Kadoda, and Hale (2015), the social media and the online forums have played a significant role in the case of Sudan, in particular Sudaneseonline.com through which the dispersed Sudanese migrants have been able to organize and share information and mobilize themselves around political campaigns.

Sudan-forall.org

The overwhelming success the Sudaneseonline.com website has achieved since then has encouraged many diasporas around the world to follow in its footsteps and create similar online forums and e-newspapers. Sudan-for-all is another prominent website, established in 2005 by a group of Sudanese intellectuals residing in France. The forum has been defined by its founders as

> *The Sudanese for Research in Arts, Fine Arts and Humanities, a non-profitable association, was established in January 2005 and is located in France. Society is concerned with the activation of research in arts, literature, and humanities. It aims at bringing to [the] world›s attention Sudanese writers, thinkers, and artists in various fields of creativity. It also aims at working together with all identified individuals to provide local and interna-*

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1 www.sudan.net was one of the first Sudanese websites, if not the first one. It was the first attempt to create a virtual platform designed to bring Sudanese people from all walks of life together.

2 www.sudaneseonline.com

tional venues for presenting, promoting, and publishing their works.[3]

The forum attracted the most prominent Sudanese thinkers, artists, and academic scholars in different scopes of knowledge. Political, social, cultural and literature issues had been discussed profoundly and intensively, a matter that caused unrest to the political regime at that time. Later, the website was hacked by what seems to be the government cybersecurity apparatus and as a result most of its materials were destroyed and never recovered.

Dabanga-Radio and TV Online

Broadcasting is also one of the intellectual activities the Sudanese migrants have run across their host lands. Some of those broadcasts are local radios targeting the Sudanese diasporic communities who live in the areas of broadcasting. Some are online radios and TVs covering mainly what is happening in the homeland and reflecting on what it seems like evidence against the brutality of Islamist authoritarian military regime in Sudan. Dabanga-Radio, TV, online, is one of those entities that stands out as the most prominent one in recent times. As it has been defined by its founders:

Dabanga is an independent, Sudanese news and information broadcaster. Founded in 2008 to report on the Darfur crisis, Dabanga has expanded to provide coverage of all corners of the country. Via shortwave radio, satellite television, and online platforms, Dabanga has gained a widespread and diverse audience, and has a particular strength in serving marginalised and hard-to-reach communities. When the 2019 'people revolution' brought about the end of the end of the al-Bashir led regime, Dabanga was at the forefront to broadcast trusted news and information.

Formerly exiled to the Netherlands, Dabanga is now increasing operations within Sudan-growing its team of Sudan-based reporters and stringers to offer grassroots media coverage of social, economic, and political issues.[4]

The organization emerged at the start as an ethnic oriented entity, representing exclusively the people of Darfur, as a voice of the 'marginalized' people. Lately, as it mentioned in its definition brief, the organization after the Dec 2019 Revolution in Sudan, opted to be more inclusive and a voice of all suppressed Sudanese under the Islamist regime.

The intellectual activities of the Sudanese migrants in Australia

In terms of intellectual activities, Sudanese migrants in Australia are no exception to their

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3 www.sudan-for-all.org

4 www.dabangasudan.org/en

counterparts elsewhere in the world. This paper explores how Sudanese intellectuals in Australia utilize the cultural space provided and funded by the Australian government through multicultural programs. The aim is to investigate whether their activities reflect and foster agency within the lived experiences of the wider Sudanese community in Australia, or whether they are mainly an echo of what is happening in the homeland.

To do that, the paper explored the intellectual activities of the most active Sudanese forums around Australia as samples help to give us an idea about the aims and objectives of those forums and their purposes. The targeted forums emerged in different Australian cities at different moments of the Sudanese migrants' process of settlement.

Majmouat Hatta Nawoud Althigafiah (Until We Return Cultural Group)

Compared to other Sudanese intellectual forums, it is one of the most active. The group was established in 2011 in Perth, Western Australia. The aim of the Group, as it has been stated by the founders is;

> *to link the Sudanese-Australians with the political issues of their homeland and the commitment to take the side of the people of Sudan to achieve democracy, justice, and peace. Further, to take the side of the Sudanese-Australians in their issues, besides, standing with all human beings' social justice"[5].*

The group uses Facebook and WhatsApp social media to promote its activities. Before the Covid-19 pandemic, the group used to organize its seminars following the traditional physical gathering like booking an available community hall in one of the suburbs where the Sudanese migrants concentrated. During the Covid-19 pandemic and the restrictions Australian governments enforced on the people's movement, the Zoom Video conferences have replaced the physical gatherings. The Group has benefited significantly from this change of communication and its activities have spread widely. Using the Zoom technology, the Group seminars can now be watched by the Sudanese people everywhere, in and outside Australia. Promoting the Group activities through social media with the Zoom link has brought many audiences from all walks of life, and a sound reputation for the Group. Usually, the symposiums take place on Saturdays and broadcast live on the Group's Facebook page and WhatsApp.

As mentioned in its definition, the Group confined its activities to addressing Sudan›s political issues. To do that, the Group has access to a wide range of Sudanese intellectuals, politicians, academics, critics, and thinkers from all over the world, including those who live in Sudan. Although the topics of the symposiums are diverse, the common denominator is criticizing and exposing the injustice, brutality, and atrocities of the Islamist authoritarian

5 https://facebook.com/afeif.ismail

regime in Sudan. Anecdotally, the researcher had been invited on one occasion this year to participate as one of the main speakers.

Muntada Giddamna Alsabah Althagafi
(The-Dawn-Ahead-of-Us Cultural Forum)

Another intellectual body runs its activities from Perth, called in Arabic: *Muntada Giddamna Alsabah Althagafi* (The-Dawn-Ahead-of-Us Cultural Forum). In its definition, the Forum described itself as "intellectual entity concerned with creativity and cultural activities that intersect with political and civil issues that 'take the side' of Sudanese and Australian people."[6]

The definition, as can be noticed, is generic and abstract and the interrelationship between what is political and what is civil in such context seems unclear. Nevertheless, the recorded activities of the forum throughout its Facebook page and WhatsApp, have more information than the formal definition. According to its Facebook page, the Forum was created on Feb 9, 2022. The forum is coordinated by Afeif Ismaeil, a Sudanese poet and playwright based in Perth, Western Australia.

The Forum does not confine its activities to the live Zoom gatherings which run on a weekly or fortnightly basis, its Facebook page also open for the Sudanese writers to share their contributions. Based on the data available in the Forum's Facebook page, The forum dedicates a significant portion of its activities to celebrate the works of the most prominent Sudanese and iconic poets, writers, thinkers, and musicians highlighting their creative contributions in different field of culture, especially the works that can be considered as aesthetic resistance to the successive authoritarian regimes since the independence of Sudan. Further, the Forum activities are based on inviting contemporary writers, artists, and thinkers to reflect on the works of those iconic figures and indeed celebrate their creativity and the way they are dedicating their talents for the goodness by calling for justice, equality, and freedom of their people. Tracing the intellectual activities since the creation of the Forum in Feb 2022, based on the data available on the website, it is safe to say the Forum uses cultural activities to reflect on the political events in the homeland, an attitude very consistent with how culture and politics are intertwined in modern Sudan. Another thing that is worthy of highlighting is the way the Forum selects its intellectual hosts; they are overwhelmingly political opponents to the ousted Islamist Military Regime, using cultural activities as political tools.

Based on the available data, it is clear that the forum is home-oriented, particularly con-

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6 https://www.facebook.com/share/g/1876uHzogK/?mibextid=wwXlfr

cerned with what is happening in Sudan. The forum›s attitude supports the notion Anderson (1998) described as 'long-distance nationalism'—a tendency in which migrants, empowered by social media, can still play an influential role in their homeland politics without feeling they are no longer there. ‹Being here but still there› is a dominant attitude that reflects the forum›s character.

Al-Muhajir (*the migrant*) newspaper

Al-Muhajir newspaper[7] is one of those early attempts to establish an intellectual activity in Melbourne by a group of Sudanese intellectuals in 2007. Since the first edition, the newspaper encountered many obstacles that prevented it from making a regular appearance, however, the issue of inconsistent funding has been the major problem. Despite the constant struggle, the newspaper has never stopped completely. Irregular publication has been the defining feature of the newspaper. Although an online version of Al-Muhajir was created, the attempt yielded little success. Based on the scarce information available, the newspaper appears to resemble other migrant intellectual entities in its homeland orientation. More specifically, the newspaper reprints articles by prominent Sudanese writers upon securing their permission. These pieces cover various homeland issues spanning politics and culture. Typically, the back page is printed in English and features Australian breaking political news alongside items of general interest. Consistent with the other intellectual initiatives discussed above, the newspaper demonstrates no interest in addressing the issues faced by migrants in the host society, reflecting their lived experiences, or serving as a platform to amplify their voices.

Margin Voice Radio

Margin Voice Radio represents a grassroots initiative funded through the Victorian government›s multicultural programs. The project aims to empower migrant communities to establish their own voice and encourages their cultural and social contributions to Australia›s diverse society. The online station commenced broadcasting on 29 September 2021 and is operated by two members of the Darfurian community. The online website of the radio defined the project as below:

> *Margin Voice provides a platform for Sudanese current affairs, arts, and culture, bridging the gap between generations in the Sudanese community in Australia and abroad. Najeem Musa and Altayeb Ali provide a space to talk about politics and news from Darfur and beyond, as well as local information and interviews for and by the marginalized Sudanese diaspora in Australia. The program also features modern and traditional music in Arabic and other tribal languages.[8]*

7- https://almuhajir.net/

8- www.3cr.org.au/marginvoice

As it has been mentioned in the above definition, the Radio mainly audience are the wider Sudanese community. Further, radio shows variety in dealing with different topics ranging from political to social to cultural issues related in one way or another to the homeland political and social situation. Unlike other Sudanese intellectual organizations in Australia, the radio pays more attention to address issues of integration that confront the wider Sudanese community in Australia. Further, controversial issues like the interrelationship between the first and the second generations of the Sudanese migrants started to find its way into the radio programs. Nevertheless, the tendency towards addressing homeland issues is prevailing. The radio started as an ethnic voice meant to represent the Darfurian community per se, however, later the radio has taken a broader turn into inclusivity by choosing to address the wider Sudanese community, even though the Darfurian discourse is dominant. The connotation of the term 'margin' seems ambiguous because it does not refer to what marginality the producers mean: the marginality of being minority migrants in their host country, or the marginality they used to live under in the homeland as an ethnic minority? Whatever the answer, no doubt the term 'margin' symbolically fits both ways. The radio producers' efforts to play an ambitious role in bringing the wider Sudanese migrants together is observable, however, the time and space they allocated to it is not enough to have a significant influence. There is only thirty minutes allocated to the radio once a week to run its programs. Based on this fact, it seems difficult for the Radio to cover diverse topics the way the producers expect.

> The emergence of the Internet and social media has cast doubts on the notion that migrants resemble subalterns in their lack of voice and agency.

Findings and analysis

Before the Internet revolution and the creation of cyberspace, marginalized and subordinate groups, including migrants, rarely had a voice or means of self-representation. In the Sudanese case, the Internet has significantly impacted how migrants interact with their homeland, creating what Anderson (1998) defined as «long-distance nationalism,» where communication technologies in advanced countries enable migrants to financially assist their people back home while also influencing homeland politics.

The most prominent finding from this analysis is that Sudanese migrants, like their counterparts in OECD countries, have been intensively involved in intellectual activities reflecting aesthetic, political, and literary discourses. The common denominator is that these activities are predominantly home-oriented. Furthermore, political discourse dominates compared to other intellectual discourses. A possible explanation is that most individuals

who run these intellectual forums have adopted political ideologies, with some remaining active members in homeland political parties. Additionally, a considerable number have been subjected to torture and imprisonment due to their political activism in their home country (Alhassan, 2024). Alternative explanations include language barriers and limited English writing skills (ibid). Thus, addressing homeland audiences appears to be the primary option for keeping their intellectual talents vibrant and engaged.

Conclusion

Intellectual activities have served as a means for Sudanese migrants to express their longing and belonging to their homeland. These activities have functioned as platforms for self-representation, potentially enabling minorities to be recognized and identified in their adopted countries. «Performing patriotism,» to borrow Chari›s (2014) expression, has been a defining feature of Sudanese intellectual activities since their arrival in Australia.

Intellectual activities have served as means for Sudanese migrants to express their longing and belonging to their homeland.

Nevertheless, having a voice as a migrant group does not necessarily mean this voice must serve purposes related to life in the host country. Based on the findings, Sudanese migrants› intellectual activities in Australia demonstrate that these endeavors have neither primarily intended to empower the wider community nor to establish effective self-representation in Australia. Instead, they predominantly function as home-oriented platforms that emphasize what Anderson (1998) describes as «long-distance nationalism.» The intellectual activities of Sudanese migrants in Australia have shown significant dedication to their homeland, while issues related to their diasporic experience have received considerably less attention.

Several factors contribute to this orientation. As Wilcock (2018) argues, Sudanese migrants (referring specifically to those in the UK) tend to emphasize longing itself through what she describes as «reflective nostalgia» rather than focusing on time and place. Additionally, social media›s ability to diminish geographical distance between migrants and their homeland plays a crucial role. As Chari (2014, p. 105) notes, «Ethnic groups uprooted from their motherland are able to re-imagine their social and political membership to the nation state through symbolic practices such as virtual participation in the affairs of the state.»

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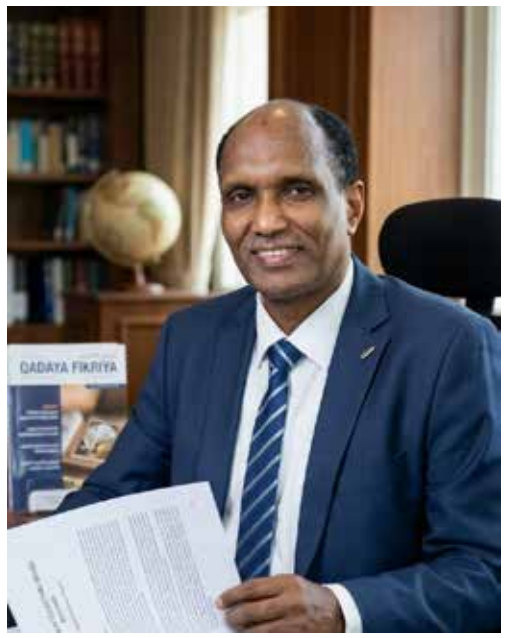
Transitional Justice: What are the Favourable Options? The Case of Sudan



Abdelaziz Satti (PhD)

ABSTRACT

The main purpose of Transitional Justice is to foster peace, stability, and justice in countries that have witnessed internal conflicts or significant human rights violations. This article discusses the definition and scope of Transitional Justice with a special focus on the Sudanese context. We will briefly examine the definition, functions, and scope of Transitional Justice. The major part of the discussion is dedicated to Transitional Justice in Sudan. Sudan has been marked by conflicts and instability for decades. Since the previous regime was ousted from power in 2019, the country has been navigating a transition toward democracy. This process entails tackling Sudan›s past, because without justice, there will be little trust in and support for any new democratic government.

This discussion includes a classification of the human rights violations and atrocities committed by the ousted Islamist-military government of Sudan. We also focus on the methods and mechanisms of Transitional Justice that are considered most suitable for the situation in Sudan. In addition, there is a critical review of the Transitional Justice Commission Bill, 2020, with specific suggestions for enhancements. We discuss the different concerns regarding the special situation and particular needs of Transitional Justice in Sudan at this stage, the institutional challenges, and potential resolutions.

Note: *The temporal scope of this article focuses on the Transitional Justice framework, policies, and draft legislation proposed during the first transitional period (2019–2022), prior to the outbreak of the armed conflict in April 2023.*

***Keywords**: human rights, prosecution, reparation, memorialization and reconciliation.*

1.0 Introduction

During the last decades of the twentieth century, many countries have overthrown authoritarian regimes and military dictatorships with the purpose of establishing a new democratic order. Countries may also witness internal conflicts to the extent that a structured process is required to restore order and national unity after the conflict ceases. Transitional Justice can be retributive, resulting in prosecutions, which typically occurs in cases of serious human rights violations to establish deterrence and ensure non-repetition. It can also be restorative, focusing on reconciliation, the healing of grievances and regaining national unity. Alternatively, it can be distributive, ensuring reparation through compensation and equitable wealth distribution.

The transition has consistently proven to be a complex process during which the successor regime must deal with the legacy of the past, where atrocities and mass human rights violations have deeply divided the country›s unity and shuttered the social fabric. It is regarded as a major component in the process of building a civil state governed by the rule of law, in which all citizens are equal and enjoy peace and security. It is also considered an essential tool for maintaining peace, especially in communities that have endured repression. The purpose is to address the atrocities committed by a former regime in unacceptable manner and to provide justice for different types of grievances.

This article will discuss the definition and concept of Transitional Justice. The primary argument is that the central issue is identifying the most appropriate methods of Transitional Justice that fit the specific circumstances of Sudan. We will set certain parameters for how a comprehensive Transitional Justice plan can be established, along with a clear path for implementation. The new Bill of the Transitional Justice Commission is critically reviewed, alongside the operational problems facing the implementation of Transitional Justice in Sudan. The article concludes with a number of recommendations that can enhance the application of Transitional Justice in Sudan.

2.0 What is Transitional Justice?

Citizens who have endured human rights violations or systematic injustice have the right to regain dignity and peace through Transitional Justice. The term describes a number of processes and mechanisms concerned with the establishment of peace and justice in the aftermath of conflicts and large-scale human rights violations. Its main purpose is to address the atrocities committed by a former regime in a just manner and pave the way for a decent future civil order. Transitional Justice refers to the ways in which countries emerging from periods of conflict and repression can address severe or systematic human rights violations. These violations are normally seen to be of such a large scale and diverse nature

that the standard justice system cannot provide the desired solutions.

The United Nations defines Transitional Justice as «the full range of processes and mechanisms associated with a society›s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, to serve justice and to achieve reconciliation» (United Nations, 2004, p. [Page No.]). Transitional Justice is deeply rooted in accountability and justice for victims. It recognizes their rights to redress and to see perpetrators brought to justice. Ignoring these massive sufferings undermines the foundations upon which a civilized society is built.

It should be noted that Transitional Justice is an attempt to reconcile different rights and interests. The most important of these is the right of victims to receive reparations and for their sufferings to be recognized in a way that prevents impunity. This right is carefully weighed against the public interest in proceeding with building a democratic state. The two interests shouldn't be at odds; they can be reconciled by employing different methods to achieve justice and state-building simultaneously. Furthermore, systematic abuses and mass atrocities severely damage the social fabric. In such contexts, political and legal institutions such as the judiciary, the police and prosecution services, might be both weak and politicized. One function of Transitional Justice is to undertake a comprehensive reformation of these state institutions.

3.0 Transitional Justice in Sudan

The previous regime of Sudan has been ousted, and the Sudanese people are currently progressing towards achieving Transitional Justice to bring relief to the victims, foster peace, stability and promote national unity. The negative impacts of violent conflicts and totalitarian regimes on a state are far-reaching. It is broadly agreed that if mass violence and gross violations of human rights are left unaddressed, future conflicts become highly probable. The Charter of the Organization of African Unity (OAU) states that «freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African people» (OAU Charter, 1963, Preamble).

Sudan is now undergoing a transitional period following the overthrow of the previous regime by a popular uprising that started in December 2018. Sustained civil protests and widespread public mobilization eventually led to the collapse of the regime despite intense security crackdowns. The regime was officially overthrown on 11 April 2019 following a severe crisis of legitimacy that rendered it unsustainable. A transitional constitutional declaration was subsequently signed, and the country is now in the process of building transitional institutions, with Transitional Justice as a leading priority. A Bill was drafted to establish a Transitional Justice Commission, though significant procedural and structural

steps remain.

3.1 The Main Guidelines for Transitional Justice in Sudan

• Transitional Justice in Sudan should be designed to address a multitude of problems, requiring a multi-track approach with wide involvement from all stakeholders. The main guidelines for designing an effective strategy include:

• Viewing Transitional Justice as a continuous process of transformation rather than a limited, short-term mechanism.

• Ensuring that all consultation and preparation processes prioritize the well-being and dignity of the victims.

• Implementing a well-designed public outreach program to address relevant community groups, this will contribute positively to public support.

• Engaging the full spectrum of civil society, stakeholders, victims, and marginalized communities. Women and youth, who were driving forces of the revolution, must get involve in the decision-making processes.

• Addressing socioeconomic inequalities and systematic marginalization, either within the Transitional Justice processes or in parallel development initiatives.

• Involving the diaspora, refugees, internally displaced persons and victims of human rights violations to ensure a comprehensive truth-telling process.

• The uniqueness of Sudan›s political situation must be acknowledged. With military and security leaders, holding top positions in the Transitional Supreme Council, and supporters of the overthrown regime remaining in various institutional roles, seeking substantial assistance from the international community is imperative. This involvement should assist in structuring the plan, identifying appropriate methods, and determining cases that require international criminal justice intervention.

3.2 Classification Of Human Rights Violations In Sudan

The ousted Islamic-military regime committed serious human rights violations, leading to deep socioeconomic divisions. The regime systematically marginalized non-supporters, severely restricting their civil and political rights. It was widely recognized that the ruling party functioned primarily as the political wing of the Muslim Brotherhood. This Islamic fundamentalist ideological perspective, led to large-scale exclusions, the pursuit of political opponents, fostering massive human rights violations and institutional corruption.

3.2.1 Brutal Human Rights Violations

A critical structural failure occurs when a state reallocates its primary resources towards internal conflicts and systematic human rights violations against its own people. Numerous instances of mass killings, extra-judicial executions and armed conflicts took place between 1989 and 2019. During the early days of the regime, a state of emergency was declared, under which the death penalty was frequently executed without due legal process. Severe torture against political opponents was systematically committed by security forces in special detention centres known as «ghost houses». Torture methods included electric shocks, severe beating, and mock executions, resulting in deaths and permanent physical impairments and psychological traumas.

One notable incident was the execution of 28 military and ex-military officers at the end of Ramadan in 1990 following a summary trial. The whereabouts of the mass grave was concealed from the families until recently discovered by an investigating committee. In terms of Transitional Justice, the appropriate treatment is to expedite the prosecution of those implicated. Additionally, reparations, including official apologies and memorialisation, such as designating the gravesite as a public memorial, are necessary for instructive purposes and public acknowledgment.

The sit-in massacre of June 3, 2019, represents another grave tragedy involving extreme, unjustified use of force against peaceful protesters. The attacks included direct shootings, sexual violence and the disposal of bodies in the Nile, which amounted to a crime against humanity. The planners and perpetrators remain largely unaccounted for, because current military and security leaders may be implicated; their current hold on power provides them with significant leverage to obstruct domestic prosecution efforts. Consequently, an international investigation or the involvement of the International Criminal Court (ICC) is highly recommended to ensure unbiased accountability and facilitate a genuine democratic Transitional Justice.

3.2.2 Waging War Against the Citizens in Different Regions

Wars erupted in many regions, including Darfur, Southern Kordofan and the Blue Nile. In Darfur, the conflict began in 2003 when the regime utilized proxy militias, initially the «Janjaweed» and later the Rapid Support Forces (RSF), to conduct systematic killings, rape and village burnings. The regime prosecuted a limited number of lower-level offenses domestically, failing to address the serious offenses. Recognizing this failure, the UN Security Council referred the Darfur situation to the ICC under Chapter VII of the UN Charter, resulting in arrest warrants for Omer Al Basheer and other senior officials.

The conflicts in the Nuba Mountains and the Blue Nile involved systematic aerial bombing of civilian areas and mass displacement, violating international human laws. Domestic courts currently appeared unable or unwilling to prosecute these complex international crimes, necessitate cooperation with international legal bodies. The Juba Peace Agreement

of 2020 outlines various transitional arrangements, including the establishment of a Special Tribunal for Darfur and an explicit commitment to «full and unlimited cooperation with the International Criminal Court» (Juba Peace Agreement, 2020, Title [X], Art. [Y]). Reconciling these commitments with potential domestic immunities remains critical legal and political challenges.

3.2.3 Corruption and Misuse of National Wealth

Corruption and the misuse of national wealth were deeply institutionalized. A significant portion of Sudan›s national wealth was disproportionately concentrated among a small elite affiliated with the regime. Public offices were predominantly staffed by supporters and affiliates of the ruling party. The rapid privatization and liquidation of public sector assets, often sold at undervalue to regime affiliates drastically undermined the national economy and public welfare.

State contracts and tenders were routinely awarded to companies or individuals associated with the regime. The process lacked fundamental transparency, resulting in the absence of fair competition and equal opportunities. Transitional justice mechanisms must include robust financial investigations targeting unjust enrichment, leading to the confiscation and restitution of misappropriated public assets.

3.3 Suggested Methods and Mechanisms for Transitional Justice in Sudan

No single method of Transitional Justice is sufficient for Sudan; a hybrid approach is required. The main methods include:

3.3.1 Prosecution

Prosecution reflects retributive justice and is a vital safeguard against impunity for major crimes. It requires an independent and qualified justice system. Given that the Sudanese judiciary is currently undergoing reform, assistance from the ICC and the establishment of hybrid or special local tribunals (like the agreed Special Tribunal for Darfur) are essential to adjudicate crimes of genocide, war crimes, and crimes against humanity. The principle of command responsibility must be strictly applied.

3.3.2 Truth and Reconciliation Commissions

Criminal prosecutions have limitations in addressing large-scale societal trauma. As Justice in Albie Sachs notes, «courts are concerned with accountability in a narrow individualized sense, and they leave the social processes and cultural and institutional systems responsible for the violations uninvestigated» (Sachs, 2011, p. [Page No.]). Truth and Reconciliation Commissions (TRCs) offer a platform for victims to have their sufferings recognized and for society to establish an authoritative historical record. A TRC should be established in conflict regions to investigate root causes, hold hearing and facilitate communal healing

without granting amnesties for international crimes.

3.3.3 Traditional Mechanisms

Traditional justice mechanisms, deeply rooted in African customary law, can address lower-level crimes and localized conflicts that fall outside the jurisdiction of special tribunals. These mechanisms focus on restorative outcomes, property restitution and community service. However, they must operate with respect for fundamental human rights and under the supervision of the formal legal framework.

3.3.4 Reparation

Reparation is critical for redressing past wrongs and repairing relations. It can involve material compensation, restitution of property or the provision of services such as healthcare and education. Reparations can be individual or collective and are essential for rebuilding marginalized and war-torn communities.

3.3.5 Memorialization

Memorialization involves collective remembrance through monuments, museums and the preservation of sites of conscience (such as mass graves or former detention centers). It serves an educational purpose, providing a historical narrative that acknowledges the victims› suffering and deters future atrocities. It must be approached neutrally to avoid exacerbating communal tensions.

3.3.6 Institutional and Political Reform

Reforming the institutions that facilitated human rights abuses is a precondition for a successful transition. This includes constitutional reform, judicial restructuring and comprehensive vetting (lustration) to purge public officials responsible for abuses. Security sector reforms, including the disarmament and integration of militias into a unified national army, are paramount for sustainable peace

3.4 Transitional Justice Commission (Draft Bill)

The Sudanese authorities have drafted a Bill establishing a Transitional Justice Commission; however, it requires significant structural enhancement. The Bill defines Transitional Justice as «a comprehensive process of approved ways and methods to comprehend and resolve past human rights violations... in a way that achieves national reconciliation... and paves the way for a transition to a democratic system that protects human rights» (Transitional Justice Commission Bill, 2020, Art. [X]).

The primary functions outlined in the Bill are preparatory: conducting surveys, holding consultations and drafting a national strategy. The major shortcoming is that the Commis-

sion lacks executive or enforcement powers. Unlike the Tunisian «Commission of Truth and Dignity» (established in 2013), which possessed full authority to subpoena documents, review cases and mandate cooperation from state organs, the proposed Sudanese body functions more as an administrative advisory board. Furthermore, the Bill was drafted with insufficient consultation with civil society, victims› groups and marginalized communities.

4.0 Learning From the Experiences of Other Countries

Sudan must draw lessons from global Transitional Justice experiences. While South Africa›s truth and reconciliation model successfully navigated the end of apartheid, it was heavily reliant on specific historical contexts and cannot be imported wholesale into Sudan, where a multi-track process involving strict criminal accountability is required. Conversely, Nepal has encountered significant institutional and political challenges in fulfilling its state obligations to investigate war-era atrocities. Political delays in establishing operational commissions in Nepal have eroded public trust. Sudan must avoid these pitfalls by ensuring prompt implementation and insulating the Transitional Justice process from political manipulation.

5.0 Conclusion

Transitional Justice plays a pivotal role in post-conflict stabilization. Sudan has experienced chronic instability since independence, primarily due to unaddressed grievances regarding marginalization and unequal wealth distribution. The implementation of Transitional Justice in Sudan faces two major hurdles: political fragmentation at the top executive levels and an institutional justice system that requires profound reform. Establishing a central, empowered body for Transitional Justice is urgent must. The current 2020 Bill must be comprehensively overhauled through inclusive consultations to grant the Commission the robust executive powers necessary to fulfil its mandate.

6.0 Recommendations

- Civil society and the government must collaborate to raise awareness of Transitional Justice through media and community outreach.
- Comprehensive capacity-building and training for judicial personnel should be conducted with international bodies like the ICTJ.
- Transitional justice must employ a hybrid of mechanisms—retributive and restorative—to address the diverse nature of the violations and the specific regional contexts.
- The temporal scope of Transitional Justice should acknowledge Sudan›s complex his-

tory of violence dating back to independence in 1956.

•Institutional reforms, particularly judicial and security sector vetting, must precede or align closely with Transitional Justice mechanisms to restore trust in the state.

•Women, youth and marginalized communities must be integral decision-makers in the process.

•The Transitional Justice Commission Bill, 2020, requires a substantial review to align with international standards (e.g., the Tunisian model), granting the Commission binding investigative and enforcement powers.

•Consideration should be given to establishing specialized thematic commissions (e.g., a specific commission for asset recovery and institutional reform) to ensure focused mandates.

•Substantial technical and financial support from the international community is essential to underwrite the costs of tribunals and structural reforms.

•A delicate balance must be struck: strict prosecution of international crimes must be pursued to deter future violations, working in tandem with broad reconciliatory efforts to stabilize the fragile democratic transition.

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Dismantling old or forging new clientelistic ties? Sudan's civil service reform after uprising[q]

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ABSTRACT

Civil service reform is often a top priority for popular movements that unseat autocracy, and during democratization campaigns more broadly: when a deposed regime had relied upon a clientelistic state to stay in power, in which bureaucrats were rewarded for using their authority to further the interests of the regime and its top elites, new political elites have strong incentives to undertake changes to the state and its personnel upon taking over. Yet despite initially-aligned politician incentives for civil service reform in post-uprising contexts, we highlight how bureaucratic actions can serve as a causal antecedent to new politicians' subsequent stymieing of reform. Bureaucrats can leverage

their embedded knowledge of state processes to forge clientelistic ties with new political elites. This in turn prompts politicians to use their power to block attempts to create more rational-legal agencies. We trace these dynamics through in-depth qualitative and ethnographic data of (failed) efforts to reform Sudan's civil service after the 2018–19 popular uprising which unseated a 30-year autocracy. Overall, this paper helps explain why so many recent popular uprisings that have come to power have been unable to deliver the large-scale transformative reform upon which they were launched by focusing attention on the elements of the former autocracy that survived the transition.

1. Introduction

Civil service reform across the developing world has a spotted history of success (Ayee, 2008; Cruz and Keefer, 2015; Williams, 2022). This follows the more general trend of difficulties in imple- menting policies that aim to build bureaucratic capacity (Andrews et al., 2013). In explaining disappointing outcomes, past political science and public administration literature has largely pointed to the role of the politicians in charge of designing and implement- ing these reforms: political patrons benefit from ensnaring bureau- cratic clients in relationships of dependence (Robinson and Verdier, 2013; Albertus, Fenner and Slater, 2018), thus creating a collective action problem in which politicians have individual incentives to undermine collective policies that build bureaucratic autonomy and limit political discretion (Shefter, 1977; Geddes, 1994; Grindle, 2012; Persson, Rothstein and Teorell, 2013).

By this same logic, then, we might assume that one context in which individual politician incentives are aligned on the necessity of large-scale civil service reform is during periods of democratization, and especially after episodes of popular mobilization that unseat autocracy. Successful popular uprisings tend to result in the swift and complete displacement of the former regimes' auto- cratic elites; the top politicians who benefited most from clientelistic linkages with bureaucrats are precisely those who are removed from office, and are thus no longer in a position to undermine civil service reform. Moreover, newly-empowered leaders who come to power through the uprising are motivated to prevent former bureaucratic clients from using their state authority to undermine the agenda that the movement hopes to implement moving for- ward. Creating a more meritocratic state can deepen democracy (Rothstein and Teorell, 2008), increase economic growth (Evans and Rauch, 1999), and reduce corruption (Dahlstrom, Lapuente and Teorell, 2011) – goals that ignited many popular uprisings in the first place.

Yet despite the aligned incentives among the country's new politicians, post-uprising

states may still fail to implement large- scale civil service reform – as we witnessed in Sudan after the country's 2018–19 uprising that ejected a 30-year regime built on a highly clientelistic state. We address this puzzle by recognizing that even if there exist aligned political incentives for reform after popular uprising, reform may still be fraught because of bureau- cratic incentives to perpetuate pre-existing clientelistic practices within the state. We focus on two conditions that make the after- math of popular uprisings particularly susceptible to stagnation in civil service reform due to the actions of bureaucrats. First, politicians who come to power in the wake of a popular uprising must contend with the existing personnel, structures, norms, and insti- tutions that evolved under the old regime. Most importantly, we identify embedded bureaucrats' "metis" (Scott, 1998) – or, their visceral understanding of how the state works after being embed- ded in it for so long (Pepinsky, Pierskalla and Sacks, 2017) – as making them well-positioned to leverage this knowledge in pur- suit of their own personal goals.[1] Second, many modern uprisings are led by negative coalitions in which civil society unites during large-scale popular mobilization given their shared hostility towards the incumbent autocrat but lacks strong bonds or a shared political vision of the country's future (Beissinger, 2013, 2022). In these con- texts, bureaucrats' deep contextual and procedural knowledge of the state provides them with an opportunity to manipulate politicians' perceived costs of reforms to such a degree that individual politi- cians' continued support of reform begins to exceed their anticipated benefits.

Bureaucrats are active agents, not passive, who leverage their 'metis' (embedded knowledge) to forge new clientelistic ties.

We examine bureaucratic actions against civil service reform in Sudan since the uprising. Omer al-Bashir's autocratic regime (1989–2019) built a highly clientelistic state, privileging bureau- cratic loyalty over competence and tying career trajectories to compliance (Mann, 2014; Medani, 2021). But al-Bashir's dictator- ship was eventually overthrown by a popular uprising led by a diverse civilian coalition, the Forces of Freedom and Change (FFC). After the uprising, the coalition initially spearheaded the country's democratic transition (Hassan and Kodouda, 2019; Berridge, 2020). The FFC made civil service reform across powerful state agencies – including the Ministry of Finance where clientelism was endemic – a top priority.

This paper process traces reform within the Ministry of Finance through in-depth qualitative and ethnographic data. First, we con- ducted elite interviews and focus groups with members of the committee tasked with implementing civil service reform within the min-

1 This condition generally holds in the aftermath of non-violent popular mobiliza- tion, as opposed to regime change via violent rebellion in which much of the existing state is obliterated along with the former regime (Lachapelle et al., 2020; Clarke, 2022).

istry, the first Minister of Finance during the transition, and dozens of ministry employees. Second, we draw upon 15 months of ethnographic field research from within the ministry itself. Together the data paint a rich picture of civil service reform both from the point of view of reformers above and bureaucrats below, and thus joins recent research that conducts empirically- grounded qualitative research on the state that is moored to real problems and relevant for practitioners.[2]

We find that attempts at civil service reform in this ministry have failed to result in any meaningful personnel changes. This is despite the fact that the committee tasked with reform identified more than 400 bureaucrats who were loyalists or clients of the old regime. On the surface, it appears that reform came to a halt because of the internecine behavior of political elites within the coalition who, after al-Bashir's downfall and in the run-up to expected democratic elections, saw other opposition leaders as political rivals. This result is thus seemingly in-line with predictions from existing literature on the role of political incentives in stymieing personnel reform (Shefter, 1977; Geddes, 1994; Grindle, 2012; Persson, Rothstein and Teorell, 2013; Gonzale´z, 2021; Williams and Yecalo-Tecle, 2021) and the discord between revolutionary coalitions upon beginning to govern (Foran and Goodwin, 1993; Clarke, 2022).

Yet though civil service reform in the Sudanese case may have been over-determined to fail from the outset, our unique data allows us to process trace how it failed, ultimately showing that much of the political discord that propelled politicians to block reform has actually been surreptitiously fomented and exacer- bated by bureaucrats. Some individual bureaucrats have attempted to forge new clientelistic ties with some political elites by promis- ing to use their in-depth knowledge of state processes on behalf of their new political patron against others in the coalition. In turn, politicians have come to recognize the individual benefits of main- taining bureaucratic clients and have worked to stymie reform.

Our ethnographic evidence thus proves critical in allowing us to uncover hidden forms of resistance that may otherwise have been invisible to unembedded researchers simply studying macro-level outcomes. Our immersive field research shows how bureaucratic actions can be a causal antecedent to the more visible political actions that ultimately stymie civil service reform. In addition, our unique data allows us to rule out alternative explanations as to why civil service reform was unsuccessful: we provide evidence that bureaucrats' actions were not a knee-jerk reaction to stymie change more generally, nor

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2- For instance, see Bierschenk and de Sardan (2014), Hyun, Post and Ray (2017), Zacka (2018), Zhu, Witko and Meier (2018), Ding (2020), and McDonnell (2020) for recent uses of ethnography in the study of bureaucracy, and Bertelli et al. (2020) on the importance of descriptive research within public administration more generally.

were bureaucrats retained simply due to worries about losing state capacity.

While we present an inductive analysis of only one case, our

work has important implications for practitioners and policy mak- ers working on state reform elsewhere. Many reform efforts have sought to get politician incentives right. This goal makes sense in most contexts since politicians can act as a binding constraint against implementation – that politicians have reason to oppose reform and power to do so is enough to doom these efforts, regard- less of the well-established understanding within anthropological work that bureaucrats engage in actions to undermine reform as well (de Sardan, 1999; Bierschenk and de Sardan, 2014). Our work bridges these literatures, show- ing that bureaucrats, too, are a bind- ing constraint as they can undermine reform efforts even in con- texts where politician incentives are initially aligned with reform. Bureau- cratic incentives, therefore, must be aligned with reform for such efforts to succeed. Civil service reform will likely be on stronger footing to succeed when it works with bureaucrats – taking their incentives, abilities, and concerns seriously – instead of attempting to over- write them completely (Williams, 2022).

Further, our work shows the difficulties of such reform and policy implementation after seemingly transformative episodes of popular mobilization (Anira, Garay, and Rich n.d.). Classic research in public administration suggests that sudden and radical events can jolt the status quo, and force bureaucrats and politicians to come to new public service bar- gains (Peters, 1988; Hood and Lodge, 2006). Though periods of successful popular mobi- lization clearly fall under these conditions, research has found that the pol- icy effects of popular mobilization often fail to live up to their initial hopes (Foran and Goodwin, 1993; Stinchcombe, 1999; Beissinger, 2022).[3] We help explain why. After a popular uprising, a country's new leaders must work through existing state structures – they are not given a tabula rasa over which to design and imple- ment their policies, but must contend with bureaucrats left over from the former regime (Mulholland, 2017). While movements that come to power after sustained grassroots efforts of committed activists have been able to implement their ideas into policy (Anria, 2019), the situation is vastly different for popular movements led by hastily cobbled-together negative coalitions. These groups are prone to fracturing upon taking office (Clarke, 2022) in part because they run into embedded bu- reaucratic resistance who hasten this fracturing.

2. Civil service reform after popular uprising

2.1 The public sector within clientelistic states

3 - And more broadly, many state reform efforts during moments of democratization have had only mixed success (Williams, 2022).

Many public sectors in the developing world display high levels of political discretion whereby bureaucrats' careers are tied to particular politicians (Meyer-Sahling, 2004). Like other private clien- telistic goods, the reversibility of a job is what gives patrons their power to compel or incentivize politicized behavior from their cli- ents (Robinson and Verdier, 2013; Cornell and Lapuente, 2014; Diaz-Cayeros, Este´vez and Magaloni, 2016; Mares and Young, 2019).

Clientelistic states clearly benefit political elites. Bureaucrats enmeshed in clientelistic relationships not only give their tacit sup- port for a patron, but misuse their state authority on behalf of their patron within their administrative domain (Kitschelt and Wilkinson, 2007; Grindle, 2012; Albertus, Fenner and Slater, 2018; Sigman, 2022). As such, civil service reform is thought to be a collective action problem since no individual politician has an incentive to implement reform when there is a perception that other politicians will renege, despite the potential collective benefits of a more efficient state (Geddes, 1994; Persson, Rothstein and Teorell, 2013).

Bureaucrats forge new clientelistic bonds by offering their state expertise to new political elites.

Bureaucrats, too, can benefit from serving as a client. These benefits are often straightforward and financial: individuals may be appointed less because of their initial qualifications but due to their loyalty and political patrons may purposefully overlook, or even encourage, bureaucrats' misuse of office for personal benefit in exchange for the bureaucrat's compliance with politicized objectives (de Sardan, 1999; Brinkerhoff and Goldsmith, 2002; Ayee, 2008; Darden, 2008; Hassan, 2015; Berenschot, 2018). Civil service reforms that create more rational-legal states in which political discretion is low are thus liable to limit the potential for illicit compensation by bureaucrats.

On the other hand, past work has enumerated the drawbacks of clientelistic states for bureaucratic clients. As a result of patron expectations of compliance, bureaucrats are thought to be in a pre- carious position when leadership turns over. Public servants "branded" as clients of a particular elite risk losing their job when their patron leaves their position of power (Oliveros, 2021). And past literature from numerous clientelistic states has shown large scale dismissals of existing bureaucrats or hirings of new ones when new political leadership takes over (Cornell, 2013; Toral, 2019; Brierley, 2020; Colonnelli, Prem and Teso, 2020; Pierskalla and Sacks, 2020).

2.2 New clientelistic bonds: weighing loyalty vs. competence

Our analysis of civil service reform in clientelistic states pushes back on assumptions that bureaucratic clients are always tied to a particular patron. As pointed out by Grindle (2012,

20): "[i]n the real world ... patronage systems are often quite messy" with the "defection" of clients to new patrons not just possible, but probable. In these contexts, bureaucrats who can tie themselves to new patrons may see the continued benefit of a clientelistic state. So long as a bureaucrat can forge clientelistic bonds to a new political patron, she can alleviate the risk of losing her position should her existing patron leave office while continuing to reap the bene- fits of serving as a client.

Why would a political patron take on a bureaucratic client of another, potentially rival, elite instead of hiring their own? The answer becomes clear when we recognize that political patrons value both loyalty and competence in their public sector clients. Loyalty is clearly important: bureaucrats with aligned incentives to the patron will use their state authority to benefit the patron. But we also recognize that bureaucrats' embeddedness within the state affects their competence. A bureaucrat who has served in a particular position or the state as a whole is more familiar with how to get things done (Hassan, 2020). Embeddedness therefore matters for clientelism as more embedded clients can engage in more, and more efficient, clientelism on behalf of their patron.

When new political elites take over a clientelistic state, then, the qualities of competence and loyalty are initially in friction. Bureaucrats left over from a prior administration have higher competence than potential new recruits due to their embeddedness they are well-equipped to navigate the state, have established rela- tionships with other bureaucrats to aid in the cutting of red-tape, and are familiar with how different agencies operate. But they are likely to be clients of the old regime, or at best, not loyal to new political elites.

Below we discuss one context in which politicians have short and uncertain time horizons that can change the expected value of loyalty versus competence: democratization in the wake of a popular uprising led by a negative coalition. As we describe below, new political elites in these contexts value bureaucratic expertise in their clients in the present, thus privileging the forging of new patronage links with existing bureaucrats more than packing the state with loyalists who will take time to learn how to navigate the state.

2.3 Civil service reform after uprising

We explain failures in civil service reform by examining the type of coalition leading mobilization. Popular uprisings require mobilization of broad swaths of society (Goldstone, 1998; Chenoweth and Stephan, 2011). Our focus is on periods of democratization ushered in by successful popular movements that are led by "negative coalitions" comprised of diverse interests that band together over their "common rejection of the ruling regime" as opposed to a positive embrace of concrete governing principles or shared visions for the future (Beissinger, 2013, 576).

Two elements of negative coalitions are especially relevant. First, we emphasize the coali-

tion's outsider status vis-a´-vis an existing state apparatus and the embedded knowledge of bureau- crats within the state that survived the transition.[4] When leaders of a popular movement take control of the state, they do so as indi- viduals who are unfamiliar with the many routine operations of the state and who do not have strong inter-personal relationships with existing bureaucratic staff. One implication of this outsider status is that we should expect leaders of popular movements to propose wide-sweeping changes to the state and to take up the mantle of reform with vigor and energy. This is especially likely when the coalition is formed of opposition activists who had been on the receiving end of the state's offenses. But this same outsider status means that reformers know less about the state and its operations than the bureaucrats over whose behavior they wish to change (Mulholland, 2017).

Second, we focus on the diverse interests represented within a negative coalition and the weak bonds holding them together. Negative coalitions are prone to fracturing back into their constituent parts soon after defeating autocracy. Upon being thrust into a governing role, the lack of agreement on programmatic issues between coalition partners becomes problematic. Individual politicians or parties will jockey for their preferred position against those with whom they were formerly united during mobilization against the autocrat. Further, democratization and impending elections may hasten splits as coalition partners have incentives to use their current inclusion into the state to engage in "opportunistic state reconstruction, establishing longer-term access to state resources [for themselves]" (Grzymała-Busse, 2007, 3).[5] [6]

We argue that the confluence of these two factors creates conditions under which bureaucrats can use their embedded knowl- edge to perpetuate the (clientelistic) status quo. When a coalition leading popular mobilization is only held together by weak bonds, the

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4 - Our focus is on non-violent protest campaigns that do not dismantle or greatly weaken the state. This is opposed to revolutionary regimes which greatly damage the state as they ascend to power (Lachapelle et al., 2020; Clarke, 2022).

5 - This was the case after popular uprisings that overthrew communist regimes across Eastern Europe.

6 - To be sure, there are conditions under which those leading the state after autocracy promote reforms meant to insulate bureaucrats from political discretion. Namely, the presence of robust party competition, and thus the real threat of electoral handover, means that it is in rulers' long-run interest to enact reforms that reduce political interference in the state even if it means tying their own hands as an opposing party could credibly take power and subsequently politicize the state even more to gain an even larger advantage (O'Dwyer, 2006; Grzymała-Busse, 2007). However this condition is arguably not met within the context of negative coalitions whereby parties within the coalition are unlikely to be clearly identifiable – a key criteria for robust party competition.

country's new political leaders are prone to in-fighting over their individual political futures instead of coalescing to see through the uprising's aims. In these situations, embedded bureau- crats may forge new clientelistic bonds with a new political patron, promising to use their insider knowledge of the state to help the patron in light of upcoming political competition.

3. Context: Sudan's 2019–2021 transition

We describe the above dynamics within the Sudanese context in the wake of the country's 2018–19 political uprising. This section provides necessary background information for our subsequent analysis. We start by discussing Sudan's former autocratic regime and its clientelistic state, highlighting how the regime both hired loyalists and ensnared previously neutral bureaucrats into clientelistic relationships across all levels of the state. We then turn to the country's fractured civil society landscape during al-Bashir's reign and how these groups coalesced to create the negative political coalition that spearheaded the uprising and was at the fore- front of the democratic transition. Third, we provide basic information about the coalition's proposed civil service reforms upon the success of the uprising.[7] Finally, we lay out the contours of civil servants' broad opposition to these reforms.

3.1 Tamkeen as empowering the Inqa¯z regime

Omer al-Bashir led a coup that brought him and the Inqa¯z (meaning "salvation" in Arabic)

regime to power in 1989.[8] While al-Bashir and other mid-level military officers executed the coup, it was masterminded by Sheikh Hassan al-Turabi, head of the Isla- mist Movement in Sudan which itself grew out of the Muslim Brotherhood (Berridge, 2017). By 1992, the Islamist Movement had created the National Congress Party (NCP) as the regime's ruling party. The regime dispensed with the facade of an ordinary military or single-party dictatorship quickly, however, and soon began to implement elements of their interpretation of Islamic rule (Massoud, 2013; Salomon, 2016).

Arguably most important among these policies was that of tam- keen ("empowerment") – the regime's philosophy concerning and actions in service of eliminating political opposi-

7 -This section draws upon interview data that we describe in Section 4. All in- person interviews and focus groups occurred in Khartoum, Sudan.

8 - Throughout this paper, we follow standard transliteration practices unless a different transliteration is common across scholarship on Sudan.

tion by packing important positions with loyal clients.[9] The word tamkeen itself is derived from a passage in the Qur'an (22: 41): "They are those, who, if we empower [makana¯hum] in the land encourage what is good and forbid what is evil."[10] Islamists thus grounded their use of tamkeen in scripture. Only when their rule was firmly established, they argued, could the regime expect to achieve the widespread transformation of society that they believed God demanded. And they could only establish their rule by placing supporters in critical state positions.

More cynically, tamkeen may be viewed as an attempt to make the Inqa¯z regime more durable and is thus similar to the concept of wasta ("personal connections") across the Middle East. The country's prior two military dictators were both ousted through popular uprisings that emerged from elite professionals, including many from within the state (Berridge, 2015). Thus, tamkeen may be understood as Islamists having learned the lessons of the country's prior uprisings and preemptively limiting the influence of societal elites by removing them from positions of power and replacing them with clients who would do their political bidding (Mann, 2014). Indeed, Ali Osman Taha, a disciple of al-Turabi and later long-time Vice President under al-Bashir, succinctly describes this practice in terms of regime survival instead of religious obligation: "we prefer the people of loyalty to the people of competence so as to empower [namakin] the regime" "(fadalna ahl al-wala' 'ala ahl al-kafa' hata namakin al-nizam"; emphasis added).

Those initially favored with the most important state positions were high-ranking Islamists who had shown their deep commit- ment to the movement. For instance, those who fought in the Second Sudanese Civil War (1983–2005, which Islamists dubbed a holy war against the Christian and animist south after coming to power), were some who received the cushiest state positions. Further, packing was initially focused on the state's most crit-

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9 - Islamists began the process of empowerment well before coming to power. Tamkeen before 1989 was strategically concentrated in the lucrative banking sector (Medani, 2021). In fact, Sudanese Islamists established one of the world's first Islamic banks, Faisal Islamic Bank, in 1977. And throughout the 1980s, Islamists successfully established a foothold in other major Sudanese banks after the adoption of shari'a law in 1983. The goal of tamkeen back then was a natural precursor to the use of tamkeen under the Inqa¯z regime: to finance a range of Islamist businesses with the aim of ensuring an Islamist foothold over the national economy in the larger plot to eventually take power, as they did in 1989. Also see Verhoeven (2015) on the Inqa¯z regime's policies in the agricultural sector.

10 - Islamists also referred to other examples from scripture of God providing financial benefits to followers that do not specifically mention empowerment. For instance, Islamists pointed to the example of Prophet Solomon who God had bestowed with the bounty of the Earth to allow for an uncontested reign. Further, an unofficial slogan often used by the Ministry of Finance can be traced to Prophet Joseph, "Appoint me over the treasuries of the land. Indeed, I will be a knowing guardian" (Qur'an, 12: 55).

ical policy-making and revenue-generating positions such as elite roles that interfaced with the banking sector – including within the Ministry of Finance – or those which oversaw agriculture in Sudan's fertile central and western regions.

While any change in government is bound to bring a change in the top-level officials who decide on policy, tamkeen also had implications for the staffing and management for the state's more technical and professional positions. Tamkeen for these more rank- and-file jobs often took the form of replacing technical bureaucrats with Islamists without relevant skills. Further, general manage- ment policies helped quicken turnover of existing staff with specialized skills and in many cases, non-Islamist bureaucrats hired before the 1989 coup left on their own. For instance, one non- Islamist civil servant who joined the civil service in the 1980s recalls how, after the 1989 coup, he was drowned in busy work without overtime pay while unqualified loyalists in his division ("without even pens in their pockets") were allowed to miss mul- tiple days of work and chosen for trainings abroad. Others voluntarily left when loyalist managers demanded they misuse their position to benefit the regime.[11]

Once in a state job, loyalists in these mid-level positions were showered with additional perks to further incentivize them to use their newly-acquired state authority to benefit the regime. For example, the regime maintained a standing monthly transfer from state coffers to one of al-Bashir's private bank accounts for seemingly legitimate civil service trainings and retreats (wajihat tanz¯imiya). In practice, this account served as a slush fund for top political elites to reward loyal clients by doling out money, favors, and goodies to bureaucrats who complied with politicized directives.[12] Similarly, only favored bureaucratic clients tended to be appointed onto ad hoc committees within one's respective agency since these temporary positions came with additional remuneration.[13] In return, committee members were expected to ensure that official policy on pressing issues be determined and codified in a manner beneficial to the regime.

Or consider the 2015 intake of some 280 Ministry of Finance employees under then Minister Badr al-Din Mahmoud. Soon after their on-boarding, they were told that the Minister had made participation in mu'askar tadriyb ("military training") a term of their employment: those who refused had their job offers rescinded on the spot. And while new recruits were trained on necessary administrative skills for their jobs during this course (e.g., budgeting, finance), they were also made to attend indoctrinating lectures about the NCP and

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11 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 8, 2021.

12 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 22, 2021.

13 - Field notes, January - April 2020.

to swear loyalty to the regime and the minister himself.[14],[15] Upon starting their jobs at headquarters, members of this cohort were given small lapel pins to wear which gave them unrestricted access across the ministry and were explicitly asked to use this access to provide intelligence for the minister. In return, Badr al-Din proved a generous patron and facilitated clients' access to government perks such as subsidized loans to purchase land as well as protection if they "empowered" themselves through petty corruption.[16]

As the Inqa¯z regime's tenure lengthened, the goals of tamkeen shifted from establishing Islamists and NCP clients within state posi-tions of power to using jobs as patronage among a much wider swath of the population. Especially during the last decade of al-Bashir's presidency, many individuals with weak ties to the Islamist Move- ment at best were hired into the state and placed on government payrolls to buy their support. Moreover, the way in which the regime implemented various tamkeen policies tied even previously neutral bureaucrats to the regime. Take the practice of ta'm¯in al-dhati ("institutional protection") in which hundreds of lower-grade civil servants enrolled. Participants were remunerated well, and even non-Islamists looked to the opportunity to sign up for this program favorably as a way to earn extra money to "raise their kids."[17] But fundamentally, ta'm¯in al-dhati turned bureaucrats into clients who were expected to misuse their authority to support the regime.[18] Participants were given basic training in security and ammunitions, hardly requisite skills for one whose formal job description entailed chauffeuring ministry elites or cleaning the agency's grounds. How- ever this additional training helped participants collect intelligence on their colleagues during the day and was useful when participants were called to periodically guard their state agency at night against the real possibility of anti-regime threats.[19]

State positions were even used to placate groups opposed to the regime. For instance, Ibrahim al-Mirghani a high-ranking member of the long-time opposition Democratic

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14 - Interview with Ministry of Finance employee, August 4, 2021.

15 - In fact, these new recruits were informally called kati¯bat Badr al-Din – Badr Al- Din's battalion.

16 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 26, 2021.

17 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 8, 2021.

18 - Further, this program was a form of coercive distribution: refusal to participate results in the civil servant being passed over for promotions. Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 20, 2021.

19 - Nightly protection was meant to guard all manner of threats, from potential coups to rebel take-overs. In fact, the program began not long after rebels within the Justice and Equality Movement made it to the heart of Omdurman, Khartoum's sister city across the banks of the Nile, in 2008.

Unionist Party (DUP) and nephew of the party's leader, was made Minister of Communications in 2017. He was empowered to hire his own co-partisans into the state (albeit into positions and within a ministry that are less critical for regime stability), thereby allowing the regime to indirectly temper hostility among expressed opposition supporters.

3.2 The fragmented civil society landscape under al-Bashir

The *Inqa¯z* regime engaged in divide and rule tactics across elements of civil society that were powerful before the 1989 coup precisely so as to lower the popular threat they faced from society. This includes among the country's political parties. The four largest opposition parties to the NCP were the National Umma Party, the DUP, the Communist Party, and the Sudanese Congress Party (SCP). Because of their societal and political importance, party members were often violently repressed. But other times, the regime extended co-optation to these same parties and their leaders.[20] This selective co-optation bought temporary acquiescence from the portion of the population that were members of the co-opted party. But it also generated mistrust: opposition parties had little expectation that other parties would hold firm to a joint opposition unity agreement when the regime could offer one party resources (or reprieve from repression) in the present.

In other cases, the regime weakened elements of civil society to such a degree that potential social movement organizations retained little popular support and legitimacy. This is clearest to see with the country's official labor unions. Since unions were a strong force

in civil society prior to *Inqa¯z* rule, the regime coerced and corporatized labor during its reign, enfeebling them to such a degree that formal unions were no longer a mobilization threat (Mann, 2014; Berridge, 2015).[21]

Despite the lack of a clear mobilizing organization, popular animosity against the regime swelled as the country's economic situa- tion worsened. The secession of South Sudan in 2011 meant that the regime lost 75% of its oil reserves, and thus much of the revenue that

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20 - For instance, through tactics such as the incorporation of Ibrahim al-Mirghani described above, the NCP had managed to co-opt the DUP to the point where its leadership largely backed al-Bashir towards the end of its reign.

21 - This seems at odds with the narrative of the Sudanese Professionals Association (SPA) playing a leading role in the 2018–19 uprising. However this group was not an official trade association, but instead an amalgamation of different unofficial shadow unions. Moreover, their role in the uprising was arguably due to their weakness – before the uprising, the SPA was fairly new, had not succeeded in mobilizing large swaths of society, and had only expressed economic (and not political) demands (Hassan and Kodouda, 2019). For these reasons, the SPA was not as heavily repressed as other civil society groups in the pre-uprising period.

had been used to prop up the extravagant levels of state spending that tamkeen required. The country entered a deep economic reces- sion, with annual inflation rates seesawing from around 20%-60% in the years leading up to the uprising. Indeed, more than 80% of Sudanese Arab Barometer respondents surveyed in late 2018 evaluated their country's economic situation as «bad» or «very bad». And spontaneous protests, strikes, and other forms of grassroots collective action against the regime became increasingly common.[22]

Given the debilitating economic crisis and society's increasing animosity towards the regime, there were numerous attempts to unite formal civil society so as to organize more large-scale antiregime mobilization.[23] Yet these efforts largely failed as opposition leaders were often unwilling to trust each other in a sustained man- ner, which in itself suggests the regime's success in fragmenting civilian opposition. In fact, the popular uprising that eventually would come to overthrow al-Bashir did not emerge out of formal civil society. Instead, grassroots collective action and spontaneous protests broke out against the regime in December 2018 within the context of the country's deep economic crisis (Hassan and Kodouda, 2019; Berridge, 2020; Berridge et al., 2022).

As the protests continued and spread, the formal opposition uni- ted under the Forces of Freedom and Change (FFC). This negative coalition contained practically every opposition political party, trade union, and other civilian and armed group in Sudan and the range of political views contained within the FFC was vast.[24] What held them together was their collective desire to end the Inqa¯z regime. In sum, mobilization during this period was led by a classic negative coalition that was based on shared widespread – albeit shallow – animosity towards the regime (Beissinger, 2013).

3.3 The transition and the mandate to dismantle tamkeen

After months of protests, the armed forces executed a coup against al-Bashir on April 11, 2019 and paved the way for a transi- tion between themselves (through the Transitional

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22 - This is similar to the dynamics described in Cornell and Grimes (2015).

23 - Looking only at attempts at opposition unity after the secession of South Sudan but before the 2018–19 uprising, this includes; the formation of the Sudan Revolutionary Front in 2011, an amalgamation of the country's major armed groups; the signing of the New Dawn Charter in 2012, which endeavored to unify armed and civilian opposition to al-Bashir (similar to attempts in the 1990s under the National Democratic Alliance); and the Sudan Call Alliance in 2015, a new attempt at unifying the opposition by including civil society groups.

24 - For instance, looking only at political parties, there were some that were explicitly secular (e.g., the Communist Party, the Ba'athist Party) while others that originated out of religious orders (e.g., the National Democratic Alliance, the Umma Party).

Military Coun- cil, TMC) and the civilian forces as represented by the FFC. A Constitutional Document was signed in August 2019 to govern the transitional period.

The transition was overseen by the Sovereignty Council, com- prised of representatives from both the TMC and FFC, as well as a cabinet of ministers.[25] The first cabinet of the transition period was purposefully staffed by technocrats.[26] However, a more political cabinet was appointed in February 2021 that included leaders within the country's larg- est political parties and armed group leaders; four ministers were elites of the National Umma Party, two were high- ranking members of the DUP, two more were SCP officials, and four were former rebel leaders that had credibly challenged the regime on the battle- field.[27] This includes the rebel leader of the Justice and Equality Movement (JEM) Jibril Ibrahim as Minister of Finance.

One of the top priorities of the transitional period was "reform [ing] institutions of the state and public service" (Constitutional- Document, 2019, 5). This included establishing a civil service com- mission with a mandate to undo tamkeen. The Transitional Govern- ment's first law aimed at addressing tamkeen – "The Law to Dismantle the 30th June 1989 Regime and dismantling tamkeen Law" – came into force with much public fanfare on December 10, 2019. The law created a central "Committee to Dismantle Tam- keen, Combat Corrup- tion, and Recover Assets" to oversee tamkeen's dismantling across the Sudanese state, and in general, carry out wide-sweeping civil service reforms.

The 18-person central dismantling tamkeen committee was com- prised and led by prom- inent FFC elites – that is, politicians. Members of this central committee included leaders within the Umma Party, the Unionist Alliance (a faction of the DUP), and the Ba'athist Par- ty. And the Minister of Cabinet Affairs (himself a member of the SCP during our period of

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25 - The Sovereignty Council began with 11 members but was expanded to 14 members in February 2021.

26 - This is not to say that these technocrats did not have political leanings. Instead, ministers in this first cabinet were appointed due to their relevant qualifications. For instance, the first Minister of Fi- nance holds a PhD in Economics, the first Minister of Culture and Information is a widely-respected journalist, and the first Minister of Justice had an LLM and was studying for his Doctor of Juridical Sci- ence during the uprising.

27 - The announcement of the second cabinet was necessitated after the Transitional Government signed the Juba Peace Agreement with the Sudan Revolutionary Front (SRF), a coalition of rebel groups that had been waging rebellion against Khartoum since al-Bashir's reign. Precisely because of the use of cabinet positions to distribute patronage to incorporated elites (Arriola, 2009; Roessler, 2016), and since the main impetus for rebellion had been exclusion from the state, former rebel leaders demand- ed formal inclusion within the state through the cabinet.

study) was the ex officio rapporteur.

The committee had broad powers. Most relevant for our analy- ses, the committee could recommend the termination of civil ser- vants who obtained their job or a subsequent promotion through tamkeen, as well as bureaucrats who received state benefits of any size due to policies meant to empower the Inqa¯z regime. In addition, the central dismantling tamkeen committee used their authority to formally create at least 19 dismantling tamkeen sub- committees within various national ministries, parastatals, and federal states within five months of the law's passage.[28] Precisely because the law was so broad, and because tamkeen had been so extensive within the Sudanese state, the central committee appointed representatives to exhume records within selected state bodies. The operations of each sub-committee were similar to those of the central committee.[29] Sub-committees were expected to make recommendations to the central committee, who then took final action.

3.4 Bureaucratic incentives against dismantling tamkeen

While it is clear to see how the small group of high-ranking Isla- mists and NCP members chosen for top state positions could be implicated as tamkeen beneficiaries, mid- and lower-level civil ser- vants were at risk too because of the extent to which the regime had enmeshed public servants across ranks through programs such as mu'askar tadriyb, wajihat tanz¯imiya, and ta'm¯in al-dhati. There were popular perceptions that large numbers of the country's civil servants – upwards of 50% – would be implicated.

The operations of the central dismantling tamkeen committee and its sub-committees were thus, understandably, perceived as unfair and greatly opposed by many civil servants throughout the Sudanese state.[30] Obviously, being identified as a tamkeen beneficiary could result in the termination of one's job, and thus the loss of a civil service salary and

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28 - "Brief about the Dismantling Tamkeen Committee", Transnational Sovereign Council, Government of Sudan, May 29, 2020.

29 - Aside from the set individuals tasked with reviewing files, sub-committees often included representatives from other state agencies as necessary (e.g., a representative from the Ministry of Justice to provide legal guidance, an inter- locutor from the Ministry of Interior in charge of organizing security for the sub-committee).

30 - Field notes; January 2020 - March 2021.

benefits.[31] But civil servant resentment towards the law ran much deeper. Most employees never regarded themselves as tamkeen beneficiaries, but instead, as compelled to follow political orders given the realities of the economic crisis, and more generally, as operating within a broader system of corrup- tion (de Sardan, 1999). Indeed, below we discuss how some of the most ardent bureaucratic opponents of reform were less so the former regime's ideologues and more so those who adapted to political conditions for state employment.

Further, civil servants were reticent to be singled out as tamkeen beneficiaries or to be linked to the former regime at all for social reasons. Most believed that the simple accusation of being a bene- ficiary of tamkeen was enough to ostracize the accused both personally and professionally. This is compounded by the fact that there was no clear process by which someone could exonerate themselves from an accusation. For instance, one individual (out- side of the Ministry of Finance) who was identified by his agency's dismantling tamkeen sub-committee for an irregular promotion was ultimately demoted by a rank (but kept his job). The individual was despondent – "we want our jobs, we want our ranks" – since the public nature through which his demotion happened would follow him for the rest of his career and social life.[32]

4. Case and methods

Our analysis is focused on the efforts of the Ministry of Finance's dismantling tamkeen sub-committee ("the sub- committee") from its initial establishment in April 2020 until Octo- ber 2021.[33] Rooting out tamkeen beneficiaries within the Ministry of Finance was critical because of this agency's substantive portfolio; not only is the Ministry of Finance one of the country's largest fed- eral agencies with some 1,200 employees but it is formal-

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31 To be sure, government wages have stagnated in recent years alongside Sudan's hyperinflation. However with rising unemployment and shrinking opportunities in the private sector, many civil servants still see value in the guaranteed wage and legally prescribed benefits associated with a government job. In addition, the Sovereignty Council raised civil servant wages by an average of 569% in April 2020. Though the raise barely made up for inflationary losses, many saw this as an initial cost of living adjustment that would be replicated as hyperinflation continued.

32 - Field notes, August 2021.

33 This sub-committee was officially established in April 2020. Although the then- Minister of Finance had preemptively formed a dismantlement committee in early January comprised entirely of ministry staff, this committee was not officially recognized by the central committee.

ly in charge of all revenue and expenditure that flow into and out of the Sudanese state.[34] As such, the Inqa¯z regime made this ministry a priority for packing with loyalists and bureaucratic clients precisely so as to better financially empower the regime.[35]

We trace the work of this sub-committee through qualitative and ethnographic data.[36] First, we conducted numerous elite inter- views with individuals whose actions and behaviors directly impacted the progress of civil service reform within the ministry. This includes four formal focus groups with the sub-committee, an interview with the first Minister of Finance after the transition began, twelve official individual interviews with sub-committee members, others within the post-revolution governing coalition (the FFC), Ministry of Finance employees, and experts on the Suda- nese civil service as well as dozens of informal conversations with these same actors. We discuss general points without identifying information for respondents who wished to speak off-the-record. The vast majority of interviews and focus groups involved at least one member of the research team present in person. And while some interviews were conducted fully via phone, those only occurred after a member of the research team had met the individual in person to develop a rapport and explain the research project. Further, we supplement this primary data with a review of publicly released print and video statements on the progress of the sub-committee.

Second, we rely on participant-observation. One co-author worked within the Ministry of Finance from January 2020 until March 2021, a 15-month period that both occurred after passage of the dismantling tamkeen law but also preceded the creation of the sub-committee within the Ministry of Finance. This ethno- graphic data allows for the observation of the day-to-day relation- ships that structure the Ministry of Finance, including a deep understanding of how tamkeen beneficiaries interact among each other, with members of the dismantling tamkeen sub-committee, and towards political elites.

While we believe our data collection methods are particularly well-suited for our study, we recognize some drawbacks in our approach. With regards to our interview evidence and

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34 - The Ministry of Finance is tasked both with receiving all state revenues and determining all aspects of state spending. In order to tightly control state finances, the NCP, especially in its latter years, attempted to centralized the way money was absorbed and dispersed by state institutions. Whereas the process of dismantling tamkeen in other ministries would lead to positions that politicians could fill, the political elites that managed this process in the Ministry of Finance would not only create new clients, but new clients that would control the purse strings of the Sudanese state (Sigman, 2022).

35 - Phone interview with former Minister of Finance, August 22, 2021.

36 - All in-person data collection was done in accordance with the COVID-19 safety precaution guidelines in-place within the Ministry of Finance. This included masking and social distancing when possible for members of the research team.

focus groups, it may be the case that sub-committee members or other Ministry of Finance officials sub-consciously portrayed events in a manner to deflect blame from themselves for the reform's fail- ures. And with regards to our ethnographic evidence, we recognize that our positionality made it more difficult to connect with some interlocuters than others. There were high levels of antagonism between the sub-committee and Finance employees as everyone in this environment was labelled as being a staunch supporter of reform or not. Given that the embedded member of the research team only began working within the agency only after the uprising, they were marked as a revolutionary and a proponent of reform. This allowed for the development of a good rapport with interlocuters on the sub-committee. On the other hand, there was more apprehension by ministry staff to speak openly.

Our study period necessarily ends on October 25, 2021 when members of the TMC executed a counter-revolutionary coup d'état. The coup installed the then temporary Chairman of the Sover- eignty Council, General Abdel Fattah al-Burhan, as head of the transition. Al-Burhan immediately nullified many integral elements of the Constitutional Document including those pertaining to the dis- mantling of tamkeen. And he has also violently sidelined many civilians and politicians that were directly involved in the dismantling process.[37] As such, the dynamics we theorize above – about civil service reform within democratic transitions headed by a negative coalition of civilian political forces – are not applicable after al-Burhan's coup.

4.1 Dismantling tamkeen in the Ministry of Finance

Civil service reform within Sudan's Ministry of Finance was lackluster, with no reform or reprimand of tamkeen beneficiaries during our period of study. This section process traces why. While outside observers may perceive the lack of reform as the result of politician in-fighting, our evidence shows a critical causal antece- dent step – bureaucratic actions to foment and aggravate splits between political elites. Thus, while politicians ultimately used their political power to stymie reform, we identify bureaucratic actions as having initially created the conditions under which politicians sought to undermine reform in the first place.

This section begins by describing our outcome: stagnation in civil service reform. We then draw on our qualitative and ethno- graphic evidence to show how bureaucrats within the ministry leveraged their embeddedness within the state to create clientelistic bonds with new political elites who had discretionary power over the dismantling process. We next provide evidence of politician actions to stymie reform given these newly-forged patron-

37 - Al-Burhan Dissolves All Steering Committees within Trade Unions and Professional Associations", Al-Jazeera, October 26, 2021.

client ties. Finally, we assess alternative arguments.

4.2 Lack of reform

The Ministry of Finance dismantling tamkeen sub-committee had major difficulty dislodging any tamkeen beneficiaries even prior to the October 2021 coup.[38] This is despite the fact that the sub-committee had formally identified and submitted for review the files of some ministry 420 employees as egregious tamkeen beneficiaries.[39] Yet though the sub-committee had identified the vast majority of these suspected beneficiaries just weeks after the sub- committee's creation in 2020, the central dismantling tamkeen committee stalled in acting on this list. For instance, it was only officially submitted to the cabinet (from the central committee) for review in August 2021.[40] Further, we note that the lack of turnover was not due to less drastic civil service reforms. Alleged tamkeen beneficia- ries remain in their positions without any retraining, let alone an official acknowledgement or reprimand for their past actions as of the time of this writing.

> Attempts at reform in the Ministry of Finance failed because they were superficial and failed to address the incentives of the bureaucrats.

4.3 Bureaucratic attempts to create new clientelistic bonds

Some Ministry of Finance bureaucrats at risk of reprimand tried to shed old, perilous bonds with Inqa¯z elites and instead create new clientelistic linkages with ascendant FFC elites. This phenomenon was widespread and came to be popularly known as "changing one's skin."[41] It proceeded as follows: post uprising, bureaucrats who were previously aligned

38 - We note that there was an initial flurry of activity upon the passage of the law, with 51 employees seeing their positions terminated in March 2020. However these dismissals occurred before the ministry's initial dismantling tamkeen sub-committee was created. And according to members of the sub-committee as well as ministry employees, this initial group comprised some of the least influential tamkeen beneficiaries who were put forward as sacrificial lambs in order to subvert the removal of more influential and dangerous NCP loyalists.

39 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 22, 2021; Interview with Ministry of Finance dismantling tamkeen sub-committee member, April 29, 2021; Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, September 3, 2021.

40 - Ibid.

41 - Field notes, February - July 2020. Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 8, 2021,

with the Islamists or the NCP during al-Bashir's reign began to claim that they had always been a member of an FFC member party. At times, these attempts at "camoflauging" behavior was blatant: as one long-time employee within the ministry described, "all these people were [Islamists], but as soon as the revolution succeeded they flipped and said they were revolution- aries."[42] Other times, employees did this more subtly, for instance by referencing their family's well-known ties to a particular opposition party even if they were themselves an Islamist.[43] Either way, some bureaucrats "changed their skin color like a chameleon" to try to appeal to new political elites.[44]

Surprisingly, this strategy was even viable for bureaucrats at the apex of the state. Top bureaucrats were arguably those that had the strongest patron-client ties to the former regime, as individuals were unlikely to be promoted under the Inqa¯z regime had they not been a loyal Islamist or NCP member.[45] Yet even bureaucrats at the echelon of the Ministry of Finance lobbied cabinet ministers directly to claim that despite their position and presumed client status to the former regime, they had actually secretly been a member of that elite's opposition party during al-Bashir's reign. In other cases, bureaucrats who held high-ranking leadership positions within corporatized labor unions and lucrative tax agencies that are overseen by the Ministry of Finance were similarly able to forge ties with FFC politicians in this same way.[46]

> 'Changing skin'—bureaucrats from the old regime reframing themselves as revolutionary allies—is a key tactic for retaining positions.

Our ethnographic and qualitative evidence cannot systematically analyze which bureaucrats were more likely to change their skin and thus which state employees were those whose actions have negatively affected reform. This class of bureaucrats is of course varied and public servants engaged in chameleon-like behaviors for various reasons. For instance, this group contains some Islamists and NCP members who attempted to remain within the state as infiltration – these employees see themselves

42 - Field notes, October 2021.

43 - Field notes, July 2021.

44 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, January 12, 2022.

45 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 8, 2021, Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 20, 2021.

46 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, January 12, 2022.

as part of the "deep state" that will help bring Islamists to the country's helm again in the future. But it also includes many opportunists who were clients of the former regime but were never true believers. These bureaucrats made a practical decision under the former regime to profess their support given the real- ities of Sudan's dismal economic situation and again attempted to adapt to the political climate of the day. Others are true public servants who were willing to tell the government in power what they wanted to hear in exchange for the ability to serve their country.

Regardless of bureaucrats' individual motivations, many members of the FFC were receptive to bureaucrats' attempts to change their skin without questioning them too deeply since bureaucrats' embeddedness and their learned experience in navigating the state promised to be useful as these politicians looked to their political futures. Thus, even though political parties within the FFC have many of their own loyalists that they hoped to appoint within the state,[47] elites across the political spectrum recognized the utility of relying to some degree on former NCP clients to further the political elite's own agenda in the short run.

4.4 Politicians' subsequent actions to protect new bureaucratic clients

Changing one's skin helped many former NCP and Islamist bureaucrats call on their new patrons to protect them from the sub-committee's investigations. Much of this protection occurred at an individual level, with politicians intervening on behalf of a specific client. For instance, members of the sub-committee gave an example of an employee who engaged in numerous activities in support of the NCP both during, and in the immediate aftermath of, the uprising such as authorizing illegitimate payments to NCP clients. However this employee changed their skin and aligned themselves with a signatory party of the FFC. Soon afterwards, the sub-committee received political orders from the central dis- mantling tamkeen committee to stop investigating the employee.[48] It is unclear whether the party elites protecting this bureaucrat believed that the bureaucrat was a member of their party all along, or instead were comfortable with a blatant change in the bureau- crat's allegiance given that their effectiveness as a client to the NCP would

> Bureaucrats forge new clientelistic bonds by offering their state expertise to new political elites.

47 - Interview with Ministry of Finance dismantling tamkeen sub-committee member, June 16, 2021.

48 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, September 3, 2021.

likely make the bureaucrat useful for their party in the future.[49] Either way, the bureaucrat effectively thwarted further action around their case.

Members of the sub-committee gave another example of a fairly high-ranking Ministry of Finance employee who not only successfully protected their position, but was promoted by changing their skin. The sub-committee collected blatant evidence on how this person benefited from tamkeen through quick and irregular promotions. As such, this employee was one of the first that the sub- committee singled out for termination.[50] However, after the success of the uprising, this employee began to express their affiliation to a signatory party of the FFC while establishing relationships to mem- bers of the TMC (many of whom have their own political aspirations). Even though the sub-committee attempted to bring this name for- ward for reprimand, the employee's political patrons – from different factions of the transitional council – pushed for their promotion to a position that oversees direct distribution of state money.[51]

Another strategy that chameleon bureaucrats used was to foment discord between politicians and the sub-committee in light of political cleavages. For instance, some Ministry of Finance bureaucrats attempted to paint the sub-committee as a political body and its members as supporters of specific parties within the FFC.[52] In some cases, this manifested in fairly harmless ways.[53] But in others, bureaucrats privately appealed to a patron political elite to sow doubts about the political neutrality around the sub- committee's decisions and plant ideas as to how the sub- committee's actions will negatively affect

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49 Ibid.

50 - Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 29, 2021.

51 Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 8, 2021; Interview with dismantling Tamkeen sub-committee member, April 29, 2021; Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, September 3, 2021.

52 - In actuality, only one member of the sub-committee was an official member of a political party – the rest are self-described "floaters" who are interested in politics and have political affinities but are not official members of a party (Focus group with Ministry of Finance dismantling tamkeen sub-committee, Khartoum, Sudan, April 8, 2021).

53 - For instance, it is standard for lunch to be provided for public servants, including for members of the various dismantling tamkeen sub-committees. Early during the tenure of the Ministry of Finance dismantling tamkeen sub-committee, ministry bureaucrats purchased lavish lunches for the sub-committee while simultaneously letting leak the extravagance of these lunches to the press. Members of the FFC then publicly distanced themselves from the sub-committee and tried to draw attention to political links between the sub-committee members and other political parties. Since then, the sub-committee collectively decided to only purchase modest lunches.

the politician in the future. For example, one sub-committee member explained how the politicization of the sub-committee often came hand-in-hand with bureaucrats changing their skin:

[the bureaucrat might] go to a leader of the Umma Party, and say 'so-and-so on the committee is a [Democratic Unionist]. She is try- ing to remove me because she is a Unionist and I'm a member of the Umma Party. Will you stand for this?' Then the leader of the Umma Party will go and call [one of the leaders of the central dismantling tamkeen committee who is an elite within the Umma Party] and say that this sub-committee is playing politics and we [on the sub-committee] are pressured to stop our investigation of the bureaucrat.[54]

Bureaucrats foment discord between political elites to block reform, leveraging divisions within the ruling coalition.

Further, ministry employees that had always been members of the opposition leveraged their authentic ideological leanings to create new clientelistic bonds with politicians from their party that received prominent positions within the transitional government. In fact, Minister of Finance Jibril Ibrahim publicly stated that efforts by the sub-committee to dismiss former Islamists that were clients of the former regime (as opposed to his faction based in Darfur) were no longer going to continue (Abdalla, 2021).[55] And many people with existing linkages to politicians that had been incorporated into the regime as members of the opposition and received high- profile positions within the FFC continued to leverage their client- patron ties. As a particularly high-profile example, the list of the 420 staff identified for termination was held-up at one stage because a spouse of an influential FFC politician was on the list.[56]

While patron intervention on behalf of clients largely occurred at the individual level, these actions were sufficiently widespread that they had macro-level consequences and hampered the sub- committee's efforts to accomplish anything at all. For example, one sub-committee member explained how the central dismantling tamkeen committee stalled in approving and reviewing the work of the sub-committee: though the sub-committee submitted bi-monthly reports on their activities to the FFC, "never once did the FFC ever invite [the sub-committee] for a meeting to discuss anything at all. Never once. Not

54 - Interview with member of dismantling tamkeen sub-committee, August 30, 2021, Khartoum, Sudan.

55 - See Roessler (2016) on the split between the Riverein Islamists atop the Inqa¯z regime versus Darfuri Islamists, and the subsequent outbreak of civil conflict.

56 - Interview with Ministry of Finance dismantling tamkeen sub-committee member, June 16, 2021, Khartoum, Sudan.

one day. It never happened."[57] The sub-committee simply didn't have the "political backing" upon which they could call to push their reform efforts through in light of bureaucratic attempts at subterfuge.[58]

Instead, the sub-committee explained that "political parties interfered in and hindered the work of the dismantling committee [on behalf of chameleons]".[59] And overall, FFC political parties were seen as "having done more harm to [the sub-committee's] work than the Islamists themselves."[60] Indeed, one member of the sub- committee went so far as to say that the sub-committee's largest accomplishment was simply "surviving" given the degree of political animosity they faced.[61]

4.5 Assessing alternative arguments

This section turns to assessing two alternative arguments that take bureaucratic incentives and actions seriously but do not explicitly connect them to those of politicians.

First, we consider the alternative argument that bureaucrats weaponized their understanding of state processes to sabotage the work of the Ministry of Finance dismantling tamkeen sub- committee generally, without attempting to draw in interference from new political patrons. To be sure, there is evidence of this alternative. For instance, known Islamist bureaucrats used formal rules on the books to gatekeep administrative information from the sub-committee, demanding signed and stamped letters from superiors before considering sub-committee requests to hand over personnel information.[62] Formal requests of this sort were the de jure rule but were de facto ignored during the Inqa¯z regime. Instead, the post-uprising request for formal clearance was largely a cover for bureaucrats to buy themselves time to get their affairs in order: "when [a member of the sub-committee] goes into an office, we demand information now. [Our request] often comes as a surprise. But in demanding that we go get a seal or a letter, the person has created a 3–4 day gap to

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57 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, January 12, 2022.

58 - Interview with Ministry of Finance dismantling tamkeen sub-committee member, June 16, 2021.

59 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, January 13, 2022.

60 - Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, September 3, 2022.

61 - Interview with Ministry of Finance dismantling tamkeen sub-committee member, August 30, 2021.

62 Field notes, May 2020; field notes July 2020.

Fig. 1. Ministry of Finance employment records. Photo taken April 8, 2021.

get things in order."[63] In fact, the sub- committee often did not obtain the requested files – either because they never existed or because bureaucrats used the additional time to get their affairs in order – further suggesting that bureaucrats' demand for formality was less so about following procedures and more so about obstruction. In other cases, bureaucrats explicitly told members of the sub-committee that they were instructed to carry out a go-slow by Islamist superiors within their bureaucratic chain-of-command, dragging their feet in producing requested documents.[64]

However our evidence suggests that general bureaucratic obstruction was only heightened given political elites' attempts to aid their own clients. For instance, precisely because bureaucrats routinely demanded new letters with official stamps for each specific request, the sub-committee looked into obtaining their own stamp as a subsidiary of the

63 Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 22, 2021.

64 Ibid.

central dismantling tamkeen committee so that they might quickly formalize their own requests. But these efforts were blocked from above – political elites wanted to be kept aware of what, and specifically who, the sub-committee was investigating so that they may block reform efforts against their interests.[65]

Or take this particularly egregious example of bureaucratic obstruction that political elites deliberately let pass. Getting access to the ministry's computer servers was an important early task for the sub-committee since they house electronic personnel and pro- motion records. Because of the sensitive nature of this work, the former regime had installed loyalists within this department who, like others, survived the initial transition. Wary of what the sub-committee would find within these electronic records, the IT department repeatedly denied the sub-committee access to the servers.[66] The sub-committee then obtained written permission for access, forcing the IT department to download a copy of the requested data onto a remote server accessible only by the sub- committee and the IT department. Yet, some 24 hours after the data was downloaded, and thus the request formally fulfilled, the data was deleted. The sub-committee raised this issue with senior political leaders and opened an official complaint. Yet this complaint was "lost" and there was no political urgency to alleviate the situation.[67] Instead, the sub-committee was forced to comb through hard copies of records (see Figure 1).[68]

Fig. 1. Ministry of Finance employment records. Photo taken April 8, 2021.

We also consider a second alternative argument revolving around bureaucrat's embedded knowledge in sustaining state capacity. Given the extent of tamkeen during the Inqa¯z regime, civil service reform targeting all former clients might have proven impractical for the continued functioning of the state. For instance, a liberal reading of the dismantling law would implicate the entire 2015 intake cohort of Ministry of Finance employees under then Minister Badr al-Din Mahmoud.

This alternative has merit. For instance, even the initial techno- cratic government was

65 Interview with Ministry of Finance dismantling tamkeen sub-committee member, August 30, 2021.

66 Field notes April 2020; Phone interview with Ministry of Finance dismantling tamkeen sub-committee member; Focus group with Ministry of Finance dismantling tamkeen sub-committee, April 22, 2021.

67 Phone interview with Ministry of Finance dismantling tamkeen sub-committee member, September 3, 2021.

68 Field notes, April 2020; field notes, April 2021.

required to overlook bureaucrats' Islamist ties to carry out elements of their agenda. A former undersecretary within the Ministry of Finance from the Inqa¯z era was brought in to design and oversee the all-important budget-making process (and thus, determine allocations for each state ministry, department, state, and agency).[69] Or consider procurement. Given the former regime's misuse of state funds, the transitional government demanded that all purchases be above board and thus go through the very lengthy and complicated formal procurement process. The purchase of necessary inputs for the implementation of the transitional government's policy agenda – from computer hardware to ads – was therefore at the mercy of NCP bureaucrats who were those who knew this process best.[70]

While elements of this alternative are liable to have been in play, ultimately, our evidence suggests that maintaining state capacity was not the driving factor behind decisions related to the civil service. For instance, had reformers wanted to maintain bureaucratic expertise while creating a rational-legal state, they could have pushed for re-trainings – but these types of courses were not implemented. Further, political elites did nothing to stop other managerial decisions that were explicitly aimed at lowering the agency's capacity, such as ministry-wide transfers of lower- and mid-level technical staff. Bureaucratic transfers temporarily reduce the capacity of an agency as bureaucrats must re-learn the specifics of their new position (Hassan, 2020; Woldense, 2022). Yet high-ranking elites within the Ministry of Finance wary of reform have made transfers more frequent – there were at least three major shake-ups in 2021 that included the movement of over 200 staffers throughout the agency.[71] These shuffles made it harder for the sub-committee to complete their work, and reduced general state capacity in the process. Yet complaints by the sub-committee to politicians did not result in any noticeable change in shuffling patterns.

5. Conclusion

Sudan's 2019–2021 transition offers a unique opportunity to examine the dynamics of administrative reform in the context of democratization. Popular movements that come to power on the backs of mass uprisings have strong incentives to institute deep structural reforms to state institutions. Yet, we show how that change still proves to be exceedingly difficult.

We examine civil service reform through a focus on the incentives and behaviors of bu-

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69 Field notes, October 2020 - January 2021.

70 Field notes, September 2020 - February 2021.

71 Interview with Ministry of Finance dismantling tamkeen sub-committee member, June 16, 2021.

Claims that bureaucrats were kept for 'state capacity' or expertise are refuted; transfers and obstruction by bureaucrats actually undermined capacity.

reaucrats within the state – the very indi- viduals that these reforms are meant to affect. Through our qualitative and ethnographic evidence, we find that the governing coalition's lack of cohesion created an opening for some bureau- crats to perpetuate many elements of the former regime's clien- telistic state. Opportunistic bureaucrats exploited their deep embedded knowledge of state processes to weaponize divisions among political elites and ultimately draw in their internecine interference.

In this way, we trace how bureaucratic incentives played a decisive role in changing politicians' incentives – raising politicians' anticipated costs of taking specific actions in implementing reform. Though failed civil service reform is not a surprising outcome, the Sudanese case shows the stakes at play. Policy-making and reform in any sector of the state are contentious processes that can exac- erbate divisions among governing coalitions. And the more trans- formational these processes aim to be, or the more disruptive of the status quo, the deeper that political divisions are likely to run. Thus, governing coalitions atop popular revolutions face a difficult task. They are asked to undo elements of the former autoc- racy's state to ensure successful democratization. But when the state that revolutionaries take over continues to employ bureau- crats of the former regime, revolutionaries need to keep these agents' incentives somewhat aligned, lest they exacerbate political divisions, which in turn, can create a political opening for former authoritarian elites to derail democratization.

Data availability:

The authors do not have permission to share data.

Declaration of Competing Interest:

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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A MULTICULTURAL CONSTITUTION FOR SUDAN*

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** This article is derived from a PhD thesis completed by the author at the Faculty of Law, Department of Public Law, University of Cape Town, South Africa. It is the first in a series of articles proposing a multicultural constitution for Sudan. The proposed framework is grounded in the principles of equality and non-discrimination, specifically seeking the protection and recognition of Sudan's diverse minority cultures and languages.*

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1. THE INTERNATIONAL AND REGIONAL FRAMEWORKS FOR THE PROTECTION OF MINORITY CULTURES AND LANGUAGES

1. 1. INTRODUCTION

Sudan is a signatory to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR),[1] and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),[2]

as well as a party to the African Charter on Human and Peoples› Rights (ACHPR). Article

1- Sudan acceded to the ICCPR on 18 March 1986. The UN Treaty Collection at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en, accessed 10 October 2024, and to ICESCR on 18 March 1986. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4, accessed 10 October 2024].

2- Sudan acceded to the ICERD on 21 March 1977, the UN Treaty Collection at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en, accessed on 10 October 2024.

27(3) of the 2005 National Interim Constitution provides that «all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan are considered an integral part of the Bill of Rights.» This provision adopts a monist approach to international law, stipulating the direct integration of ratified international human rights treaties into Sudan›s national legal framework.[3]

This chapter examines the international framework for the protection of minority rights, specifically focusing on international standards for safeguarding minority cultures and languages. It analyzes the human rights instruments to which Sudan is a party to establish the legal benchmarks required for their protection. These standards serve as the analytical basis for evaluating the current state of protection in Sudan and inform the development of the constitutional model proposed in this thesis.

While subsequent chapters focus on the specific constitutional and legal landscape of Sudan, this chapter is dedicated to international and regional systems. The discussion begins with an overview of the development of minority rights under the League of Nations and the United Nations. It then introduces foundational instruments, including Article 27 of the ICCPR, Article 15(1)(a) of the ICESCR, and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Additionally, it explores the implementation mechanisms of the UN and the African Charter, evaluating their contributions to minority protection within the African context.

The discussion begins with an overview of the development of minority rights under the League of Nations and the United Nations.

Furthermore, this discussion explores the theoretical dimensions of minority culture protection in detail. First, it addresses the principle of equality and non-discrimination as the cornerstone of minority rights, including an examination of discriminatory cultural practices against women. Second, it defines the scope of protection, acknowledging that while international frameworks often use generic terms, this research focuses specifically on the rights of groups to preserve their identities through language and culture. Third, it distinguishes between individual and collective rights, addressing concepts such as self-determination and peoples› rights. Finally, the chapter analyzes multiculturalism versus interculturalism as the underlying philosophies for accommodating diversity within a democratic constitution.

1.2 BACKGROUND: THE EVOLUTION OF THE MINORITY RIGHTS SYSTEM

3- M A Babiker (ed.) (2014) 'Why constitutional Bills of Rights fail to protect civil and political rights in Sudan: Substantive gaps, conflicting rights, and 'arrested' reception of international human rights law' Redress International.

The modern international legal framework for the protection of minority rights has evolved through four distinct phases.[4] The first phase centered on the League of Nations system, which utilized special treaties following World War I. The second phase marked a philosophical shift from the protection of specific groups to the universal protection of individual human rights, a transition initiated by the UN Charter (1945)[5] and the Universal Declaration of Human Rights (UDHR) in 1948.[6] The UN system is predicated on non-discrimination as a universal individual entitlement. As the UDHR preamble states, the «recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.»[7] Consequently, Article 2 of the UDHR protects all individuals regardless of minority status, ensuring eligibility for protection against discrimination based on race, ethnicity, culture, or gender.

«Persons belonging to such minorities shall not be denied... to enjoy their own culture, to profess and practice their own religion, or to use their own language.»

The third phase was the UN's 'standards-setting' phase, during which the international community adopted specific instruments for the protection of minority rights.[8] Article 27 of the ICCPR is the backbone of the protection of minority cultures, it provides:

> In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

In addition, Article 15 of the ICESCR provides for the protection of cultural rights and the right to take part in cultural life. The third phase culminated in 1992 in the adoption of the UN Declaration of Persons Belonging to Minorities.[9] The focus of this phase was

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4- G Pentassuglia 'Evolving protection of minority groups: Global challenges and the role of international jurisprudence' (2009) 11 International Community Law Review 185–218.

5- UN. The Charter of the United Nations (24 October 1945).

6- UN. Universal Declaration of Human Rights (8 December 1948).

7- The philosophers of natural rights theories, John Locke, et al., propose that every individual possesses inherent and essential rights from birth. These rights to be universal, applicable to everyone, and unalienable, that should not be deprived from individuals, unless under certain circumstances and in accordance with due process; see Donnelly, Jack 'Human rights as natural rights' (1982) 4 Human Rights Quarterly 391–405.

8- G Pentassuglia op cit note 197 at 185–218.

9- Ibid.

to establish a discourse on the protection of minorities that has its basis on the general human rights of all individuals and the specific protection that is provided to minorities. The rights of minorities, including the right to preserve their distinct cultural identities, are gaining a momentum.[10] The fourth phase is the most recent development, which is characterised by the growing jurisprudence, policy and literature on minority rights at international, regional and domestic levels.[11] The most significant example is the adoption of the Framework Convention for the Protection of National Minorities (FCNM) by the Council of Europe in 1995,[12] which revitalised the debate on the protection of minorities, not only in Europe but also around the world. The FCNM is the first legally binding multilateral instrument concerned with the protection of national minorities.[13] The Convention requires state parties to enact domestic legislations and policies that match their legal systems, in accordance with the principle of the 'margin of appreciation'.[14] Article 3 of the FCNM grants persons belonging to minorities to choose freely whether they want to be treated as a minority. Article 3 allows persons belonging to national minorities to practise their rights under the Convention, both individually and collectively in community with others. Article 5 (1) of FCNM provides that state parties are responsible for enabling the preservation of the identity of persons belonging to national minorities; state parties are obliged to adopt measures to promote and develop minority cultures.

State parties are obliged to adopt measures to promote and develop minority cultures.

The following section provides an explanation of the system of protection for minorities under the League of Nations and the United Nations.

1.2.1 Protection of minorities under the League of Nations

10- Human Rights Committee (1994) General Comment No. 23: The Rights of Minorities (Article 27). Doc. HRI/GEN/1/Rev 9 207–210.

11- G Pentassuglia op cit note 197 at 185–218.

12- The European Framework Convention for the Protection of National Minorities, Council of Ministries, Strasbourg, February 1995.

13- G Pentassuglia op cit note 180 at 185–218.

14- The principle of 'margin of appreciation' considers the different legal systems that are adopted in different European countries, it is developed under the European Convention on Human Rights to 'ensure that a minimum level of human rights protection is met in all contracting states, while at the same time allowing some scope for differentiation in light of the particularities of each jurisdiction', see Eleni Frantziou, UCL Policy Briefing, October 2014.

The post-World War I League of Nations system was built to protect individuals or minority groups residing in newly formed or expanded states, from racial, religious, or linguistic minority groups. Specifically, this refers to the states, which emerged from the redrawing of borders following the dissolution of three multinational empires: Austria-Hungary, Prussia, and the Ottoman Empire.[15] The League of Nations guaranteed the rights of minority groups through a framework of five specific agreements known as Minorities Treaties. These treaties were signed between the Allied and Associated Powers and the newly formed or expanded states.[16] Simultaneously, in order to guarantee a certain level of reciprocation exchange, the peace accords attached comparable responsibilities to four of the defeated states (Austria, Bulgaria, Hungary, and Turkey).[17]

The system of protection of minorities under the League of Nations was legally based on identical clauses in the Treaties of Versailles, Saint-Germain, Neuilly, and Trianon. The Minorities Treaties provided the fundamental principles of equality before the law of all nationals, inclusive civil and political rights, and equal treatment and security both in law and in fact.[18] Furthermore, the treaties explicitly provided that any citizen of the country should not be discriminated against based on their ethnicity, language, or religion when it comes to eligibility for public employment, positions and honours, or the practice of professions and industries. In addition, it stipulated that individuals who were part of minority groups were entitled equally to establish, oversee, and govern, at their own cost, charitable, religious, or social organisations, schools, and other educational institutions. They were also granted the right to use their own language and to practise their religion freely within these institutions.[19]

The minority protection system of the League of Nations was not intended to create a universal legal system that could be used wherever there were ethnic, racial, linguistic, or religious minority groups. The system depended instead on country-specific accords and declarations intended to solve minority issues in specific countries, under the League of Nations as supervisory mechanism.[20] The introduction of jurisdictional supervision was frequently considered to be a significant advancement in the post-World War I system designed to safeguard minority rights. The instruments pertaining to the protecting of mi-

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15-Ibid. G Pentassuglia op cit note 197.

16 - Poland and Czechoslovakia, as well as the expanded states of Serbia, Romania, and the Greek Kingdom, Capotorti op cit note 32 at 17.

17- Ibid.

18- Ibid.

19- Ibid.

20- D Wippman 'The evolution and implementation of minority rights' (1997) 66 Fordham Law Review 597.

nority rights established the Permanent Court of International Justice (PICJ). The PICJ had jurisdiction over conflicts of opinion, which emerged between the relevant government and any of the Allied or Associated Powers, or any other Power that was a member of the League of Nations Council. The PICJ had jurisdiction regarding the understanding and implementation of the regulations concerning minority rights. Furthermore, apart from its jurisdictional supervision, the PICJ was granted the authority to carry out an advisory role for matters concerning minorities.[21]

Thornberry describes the League of Nations system as a failure in terms of protecting minorities and preventing World War II.[22] One of the root causes of World War II was the extreme national sentiment that led to the persecution of minorities. The most notorious case was the plight of Jews under the Nazi regime in Germany. The legacy of the League of Nations prompted the founders of the UN to emphasise the protection of all humans and the idea of treating them on an equal basis under the principle of non-discrimination. The principle of universal protection of human rights succeeded the notion of protecting certain groups of the population.[23] Therefore, the United Nations human rights system, which succeeds that of the League of Nations, is both universal and individualistic in design. The subsequent section elucidates the United Nations protection of minority rights.

«Thornberry describes the League of Nations system as a failure in terms of protecting minorities and preventing World War II.»

1.2.2 The right to self-determination

The political foundations of the contemporary notion of self-determination can be traced to the United States Declaration of Independence, dated 4 July 1776, which asserted that governments derive their legitimate authority from the consent of the governed and that, when any form of government becomes detrimental to these principles, it is the right of the people to modify or dismantle it. The leaders of the French Revolution shaped the notion of self-determination.
Their doctrine of popular sovereignty mandated the renunciation of all wars of conquest and the annexation of territories to France only after plebiscites.[24]

During the 19th and early 20th centuries, nationalist movements defined the principle of

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21 - Capotorti op cit note 32 at 24.

22- Thornberry op cit note 1 at 38–52.

23 - Ibid.

24 - Oxford Public International Law (http://opil.ouplaw.com). (c) Oxford University Press, 2023, accessed on 23 August 2025.

self-determination to mean that each nation had the right to establish an independent state but that only nationally homogeneous states were recognised. This so-called 'concept of nationalities' served as the foundation for the emergence of several new states and, at the end of World War I, the disintegration of the Austro-Hungarian, Russian, and Ottoman Empires. The notion of self-determination was prominent in the unification procedures of Germany and Italy, which were mostly based on national characteristics and included plebiscites.[25]

During World War I, US President Wilson promoted self-determination, which was elaborated in the Fourteen Points of Wilson (1918). This proposition constituted the basis of peace discussions with the Central Powers, although the Paris peace treaties did not completely realise self-determination. The Allies held plebiscites in disputed areas, and the League of Nations concluded treaties to protect minorities. Article 22 of the League of Nations Covenant created the mandates system as a balance between self-determination and administrative power objectives. However, self-determination as a general principle was not included in the League of Nations Covenant; hence, it remained a political rather than legal concept during the League's existence.

The establishment of the legal right to self-determination has its roots in Article 1(2) of the UN Charter, which states that the purposes of the United Nations include 'developing friendly relations among nations based on respect for the principle of equal rights and self determination of peoples, and taking other appropriate measures to strengthen universal peace.' Article 55 of the UN Charter enumerates various objectives that the organisation should advance in the domains of economics, education, culture, and human rights, with the intent, as stated in the introductory clause, 'to foster conditions of stability and well-being essential for peaceful and amicable relations among nations, grounded in the principle of equal rights and the self-determination of peoples.'

The principle of self-determination is also stipulated implicitly in the UN Charter's section on colonies and other dependent territories. Article 73 of the UN Charter states that:

> United Nations members responsible for administering territories whose populations have not achieved full self-governance acknowledge the primacy of the inhabitants' interests and accept the sacred trust to promote their well-being to the fullest extent within the framework of international peace and security established by the Charter.

The UN Charter's provisions on non-self-governing and trust territories impose binding international obligations. However, the principles of self-determination and equal rights for all peoples, which appear to be two components of the same concept, are too broad and complex to entail specific rights and obligations. In particular, the UN Charter does

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25 - Ibid.

not provide an answer to the question of what constitutes a 'people'; nor does it specify the content of the principle. In the absence of a concrete definition and taking into account the highly diverse facts of international realities, it cannot be interpreted, applied, or implemented realistically as a legal norm, and thus possesses a very strong moral and political force in guiding the UN organs in the exercise of their powers and functions.

The UN's first crucial contribution to the development of self-determination was the Declaration on the Granting of Independence to Colonial Countries and Peoples.[26] This resolution, unanimously adopted by the United Nations General Assembly (UNGA), affirms that all peoples possess the right to self-determination. The administrative authorities were urged promptly to transfer all powers unconditionally to the peoples in trust and non-self

governing territories, as well as any other territories that had not yet achieved independence, 'in accordance with their freely expressed will and desire'.[27] The Declaration on the Granting of Independence serves as the political and legal foundation for the UN's decolonisation policy, which necessitated the establishment of specialised institutions and procedures employing plebiscites and elections to ascertain the will of the peoples.

«The differentiation between a 'people' and a 'minority' is essential.»

The UDHR does not recognise the right to self-determination, while the ICCPR establishes a distinction between the terms 'people' and 'minority'. Article 1 of the ICCPR commences the Covenant by affirming the universal nature of the right to self-determination: 'All peoples have the right of self-determination'. By virtue of such right, individuals establish their political position autonomously and seek actively their economic, social, and cultural developments.[28] The differentiation between a 'people' and a 'minority' is essential. If a certain group is designated as a minority rather than as a 'people', its members are entitled to engage in their collective cultural practices and to seek individual safeguards for their identity-related rights.

1.2.3 The Universal Declaration of Human Rights (UDHR)

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26 - Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly Resolution 1514(XV), 14 December 1960, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration granting-independence-colonial-countries-and-peoples, accessed on 11 August 2025.

27 - Ibid, para. 5.

28 - International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights, UN GA, Res. 16 December 1966, A/RES/2200, Art. 1.

The framers of the United Nations Charter and other post-war international human rights instruments generally opted for a different method to address the issue of minorities. Rather than implementing a limited set of special measures for minority groups, which are relevant exclusively to certain countries, they developed a comprehensive framework of protection based on the recognition of universally applicable individual rights.[29] Advocates of this approach contend that implementing a comprehensive framework of individual rights, encompassing freedom of association, speech, and religion, would protect the legitimate interests of minority members adequately, provided it is accompanied by a strict prohibition against discrimination based on race, ethnicity, language, or religion.[30] Furthermore, they argue that a universal approach targeting all individuals and nations would prevent the internally polarising consequences of granting special rights to minority group members. Furthermore, it responds to the concern of the states, which perceived the mandated responsibilities of protecting minorities as degrading and restrictive to their sovereignty.[31] A philosophical belief that minority rights, particularly collective minority rights, contradict the principles of liberal individualism bolstered this point of view. Moreover, the drafters of the post-war human rights framework were motivated by the observation that certain national minorities safeguarded by the League system aimed actively to disrupt the stability of the countries they lived in. In certain instances, these national minorities provided a pretext for external aggression, particularly when German armies asserted their right to protect their fellow citizens.[32]

The Universal Declaration of Human Rights, which was adopted by the General Assembly on 10 December 1948, does not make any mention of the rights of individuals being part of ethnic, linguistic, or religious minority groups. The inclusion of an item addressing the rights of 'minorities' in the Declaration was deliberated upon not only in the Third Committee of the Assembly but also in the plenary session.[33] Some delegates believed that excluding such a reference would limit the extent of the Declaration significantly. Others believed that, given its intricacy, the issue entitled additional investigation. Evidently, with the adoption of the United Nations Charter, the protection of minority groups is no longer regarded as a political issue limited to specific countries, but rather as a matter affecting all states. Hence, the issue of minority protection, under the United Nations system has been pursued within the broader framework of upholding human rights and fundamental

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29 - Ibid.

30- Ibid.

31- Ibid.

32- Ibid.

33- Capotorti op cit note 32 at 27–28.

freedoms without ruling out the potential establishment of bilateral or multilateral treaties.[34] The ideal of the UDHR is to establish the basis for everyone's entitlement to equality and non-discrimination. Article 2 of the UDHR provides that 'Everyone is entitled to all rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.

Article 7 sets out the principle of equality before the law: 'All are equal before the law and entitled without any discrimination to equal protection of the law.'

1.2.4 The International Covenant of the Civil and Political Rights (ICCPR)

The ICCPR expands on and reaffirms the right to equality and non-discrimination that the UDHR sets forth. Discrimination is prohibited under Article 2 of the ICCPR. Specifically, all political and civil rights under the ICCPR are conferred on individuals without discrimination based on sex, race, gender, ethnicity or religion. The rationale of the ICCPR was to resolve minority issues through strong emphasis on the prohibition of discrimination and on the promotion of equality for everyone. In addition, Article 27 of the ICCPR provides special rights to persons belonging to minorities to preserve their cultural identity and enjoy their cultural practices and to speak their language.[35] Article 27 of the ICCPR provides:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to these minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

The minority provision, Article 27 of the ICCPR, was agreed upon by United Nations member states after extensive debate, with the lengthiness of this debate during the travaux préparatoires demonstrating the reluctance of many member states to adopt special provisions on minority rights. The reluctance of the states was justified, in short, based on the history of the minority issue under the League of Nations.[36] Referring to the background discussion on the adoption of Article 27 of the ICCPR, Capotorti observes that the provisions of Article 2 and Article 19 of the draft Covenant, which address non-discrimination and equality before the law, respectively, offer specific protection to individuals from minority groups. A consensus was reached that it is essential to protect the rights of these individuals by means of a dedicated clause; thus, included in the draft International Covenant on Civil and Political Rights, there is an additional provision, which guarantees per-

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34- Ibid.

35- Thornberry op cit note 1.

36- Ibid.

sons from minorities the right to use their own language, practise their own religion, and enjoy their own culture.[37]

Delegates emphasised that providing a unique status to individuals from minority groups should not deny them the same rights as other citizens of the same state. For instance, granting members of minority groups the right to education in their own language should not mean to deny them access to all types of public schools.[38] It was emphasised that the protection of minority groups was not meant to undermine the principle of majority rule, acknowledging that certain regions of Africa were dominated by privileged minority groups, and Article 27 was not designed to defend such dominance.[39] Capotorti stresses that the formulation of Article 27 of the ICCPR raises a number of problems of interpretation. One problem is the definition of the term 'minority'.[40] Obviously, since neither Article 27, nor the entire ICCPR defines the term 'minority'.[41] Another concern is the interpretation to be attributed to the term 'ethnic minorities' in comparison to the term 'racial minority'. Prior to 1950, resolutions of United Nations agencies regarding the protection of minorities commonly referred to racial minority rather than ethnic minorities. Noteworthy is that General Assembly Resolution 217 C (Ill), pertaining to the protection of minorities specifically addresses 'racial' and 'national' minorities, rather than 'ethnic' minorities.[42] The decision was made to substitute the term 'racial' with 'ethnic' in all communications pertaining to minority groups characterised by their ethnicity. Some members considered that the term 'racial' should be abolished because so called groupings of races lack scientific basis and tend to become obscured owing to evolutionary processes, intermarriage, and changes in views or beliefs. The term 'ethnic' covers all biological, cultural, and historical attributes, whereas 'racial' primarily refers to inherited physical traits.[43] More evidence is found in the 1949 Convention on the Prevention and Punishment of the Crime of Genocide, which applied the term 'ethnic' to describe the cultural, physical, and historical attributes of a community.[44]

37- Capotorti op cit note 32 at 31–41.

38- Ibid.

39- Ibid.

40- See detailed discussion of the definition of minority, infra.

41- Capotorti op cit note 32 at 31–41.

42- Ibid.

43- Ibid.

44- Ibid.

Regarding the interpretation of the phrase 'in those states in which ethnic, religious, or linguistic minorities exist', it is noted that the proviso was intended to limit the exercise of the rights recognised by the article to minority groups that were already established in the state's territory. This was done to avoid promoting the emergence of new minority groups or fostering a sense of minority consciousness among groups that were previously integrated into the state's population.[45] Furthermore, it could be understood that the clause in issue implies that every state has the duty to acknowledge the existence of a minority within its jurisdiction, and that such formal recognition is a prerequisite for the applicability of Article 27. However, it is unacceptable that the exclusive obligation under Article 27 should be limited to governments who acknowledge formally the presence of a minority in their territory.[46] It would be equivalent to relying on the goodwill of the state parties to the Covenant for the application of Article 27. In such a scenario, a state would only need to refrain officially from acknowledging a minority in order to deny it the protection granted by the provision. The existence of a minority needs to be confirmed using objective criteria and, while there may be variations in opinions on some of these criteria, it is crucial to avoid replacing an objective approach with a completely subjective one. This means that the states concerned do not have discretionary authority in this matter.[47] Furthermore, it is unreasonable to differentiate between 'old' and 'new' minority groups. According to Capotorti, the purpose of Article 27 is not to promote the creation of new minority groups. However, if a minority already exists, the article applies to it, irrespective of when it was formed.[48]

Another matter, debated by the Commission on Human Rights, which was subsequently replaced with the Human Rights Committee, was the need to determine the precise character of the obligation imposed on state parties. Several members argued that the provision to be included should offer a more accurate description of the state's obligations. In their perspective, the phrase 'persons... shall not be denied' lacks significance and would most likely have no impact. Hence, it was imperative to state explicitly in the article that the state should implement specific legislative measures to ensure that members of minority groups have access to certain rights. On the other hand, some members stressed that this kind of proposal would put too much focus on minority rights and not enough on tolerance as the only additional duty that states, which had already committed to non-discrimination should be obligated to meet.[49]

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45 - Capotorti op cit note 32 at 31–41.

46 - Ibid.

47 - Ibid.

48 - Ibid.

49 - Ibid.

Article 27 continues to serve as the centrepiece of the protection of minority identity under the UN human rights system. Evidently, the historical resistance to agreeing to a comprehensive model of minority protection is abating. Two key developments in this regard are the work of the UN Human Rights Committee in interpreting Article 27, such as in General Comment No. 23,[50] and the proclamation of the United Nations Declaration on Persons Belonging to Minorities (the Minority Declaration).[51] General Comment No. 23 articulates that the obligation of the state party to refrain from denying or violating the rights enshrined in Article 27 denotes a positive obligation; specifically, the state party must not infringe upon minority rights and must ensure that others do not violate or deny these rights within its territory. It also requires that the individual seeking protection as a member of a minority group has to be a citizen of the state party.[52]

The following section outlines the pertinent stipulations under the ICESCR and the Minority Declaration. It looks into the normative substance of these instruments in light of the guidelines of the UN implementation bodies.

1.2.5 The International Covenant of Economic, Social and Cultural Rights (ICESCR)

Article 15(1) (a) of the International Covenant of Economic, Social and Cultural Rights (ICESCR), provides 'the States Parties to the present Covenant recognize the right of everyone: (a) to take part in cultural life'. The Committee on Economic, Social and Cultural Rights adopted General Comment No. 21 to outline its content and scope clearly, identifying the beneficiaries and the nature of the right, as well as outlining the obligations it imposes on states for implementation.[53]

In terms of the normative content of paragraph 1 (a) of Article 15, the Committee on Economic, Social, and Cultural Rights asserts that the right to participate in cultural life is a basic freedom. Both abstention and positive actions are necessary for the state party to guarantee this right. Abstention requires that cultural practices and access to cultural products and services remain unimpeded. Positive actions could be utilised to ensure participation,

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50- Human Rights Committee. (1994) General Comment No. 23: The Rights of Minorities (Article 27). Doc. HRI/GEN/1/Rev 9207–10.

51- UN General Assembly, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992).

52- Ibid.

53- UN Committee on Economic, Social and Cultural Rights (CESCR) (21 December 2009) General Comment No. 21, Right of Everyone to Take *Part in Cultural Life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural* Rights) E/C.12/GC/21 https://www.refworld.org/docid/4ed35bae2.html, accessed on 3 December 2023.

facilitation and promotion of cultural life, and access to and preservation of cultural goods.[54] Each individual has the freedom to choose whether to participate in cultural life individually or in collaboration with others. A decision of this nature is a cultural choice, which should be recognised, respected and protected, based on principles of equality. The Committee acknowledges that the term 'everyone' in the first line of Article 15 can refer either to an individual or to a group. In other words, cultural rights can be exercised by an individual, in association with others, or in a community or a group.[55]

The Committee interprets culture in a broad sense to include various aspects, such as 'lifestyles, language, oral and written literature, music and song, non-verbal communication', 'religion or belief systems, rituals and ceremonies', 'sports and games', 'methods of production or technology', 'natural and man-made environments', 'food, clothing and shelter, and the arts'. It also encompasses customs and traditions that individuals, groups of individuals, and communities use to express their humanity. The significance they attribute to their existence creates their worldview and reflects their interactions with external influences.[56]

«The Committee interprets culture in a broad sense to include various aspects, such as 'lifestyles, language, oral and written literature, music and song'.»

The terms 'to take part' and 'to participate' are synonymous, according to the Committee. They are used interchangeably in other international and regional instruments to refer to the same concept. Three interconnected primary elements exist of the right to take part or participate in cultural life: participation, accessibility and contribution to cultural life.[57] Participation refers to the fundamental entitlement of individuals, whether alone or in association with others or as a group, to exercise their freedom, making decisions about their own identity, identifying with one or more communities, or altering their identification, participating in the political affairs of society, engaging in their own cultural traditions, and expressing themselves in their preferred language. Every individual is entitled to pursue and 'cultivate cultural knowledge and expressions' actively, and to share them freely with others.

They are also entitled to take part in creative activities.[58] Access refers specifically to the

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54- General Comment No. 21: Right of everyone to take part in cultural life (Article 15, para 1 (a), of the International Covenant on Economic, Social and Cultural Rights) (2009) para 6.

55- Ibid, paras 7 and 9.

56- Ibid, para 13

57- General Comment No. 21, paras 14 and 15.

58- Ibid, para 15(a).

entitlement of every individual, whether alone, in collaboration with others, or as a group, to acquire understanding and appreciation of their own culture and that of others through education and information. It also includes the right to get high-quality education and training which considers cultural identity adequately.[59] Contribution to cultural life concerns the entitlement of all individuals to participate in the formation of 'the spiritual, material, intellectual, and emotional expressions of the community'.[60]

Article 15, paragraph 1(a) of the ICESCR, according to the Committee, also covers the entitlement of minorities and persons belonging to minorities to participate in the cultural life of the society, as well as to recognise, respect and protect their own culture. This right involves the duty of states parties to recognise, respect, and protect minority cultures as a fundamental aspect of the state's own collective identity. The entitlement to 'cultural expression, traditions, customs, religion', educational modalities, languages, communication mediums (press, radio, television, internet), and other manifestations of cultural identification and affiliation is consequently conferred upon minorities.[61] The rights of minorities and persons belonging to minority extend beyond the preservation of their cultural identity to include advancement in all facets of cultural life. Nonetheless, it is required to maintain the unique characteristics of minority cultures by using participatory approaches in programmes aimed at promoting positive integration, which should be grounded on the principle of 'non-discrimination'.[62]

In certain situations, it may be necessary to impose restrictions on the right of all individuals to participate in cultural activities, particularly in the case of negative practices that violate other human rights, including those that are attributed to customs and traditions. The restrictions must be rigorously necessary for the advancement of the general welfare in a 'democratic society', be consistent with the nature of this right, and must serve a legitimate objective.[63] The Committee maintains that state parties have an obligatory and immediate duty to ensure equal access for 'men and women to the realisation of economic, social, and cultural rights'. The implementation of Article 3 of the Covenant, in connection with Article 15, paragraph 1 (a), requires the removal of institutional and legal obstacles, as well as those rooted in negative practices, including those associated with customs and traditions, which hinder women from participating actively in cultural activities, science

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59- Ibid, para 15(b).

60- Ibid, para 15(c).

61- Ibid, para 32.

62- Ibid, para 33.

63- Ibid, para 19.

education, and scientific research.[64]

1.2.6 The UN Declaration on the Rights of Persons Belonging to Minorities

The United Nations, according to the General Assembly, is taking on a more crucial role in minority rights protection. General Assembly Resolution 47/135[65] sets out the goals of the UN Declaration on the Rights of Persons Belonging to Minorities. These include recognising the efforts of the then UN implementation mechanisms; the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the bodies established pursuant to the international treaties on human rights.[66] The resolution highlights the need for better enforcement of instruments 'protecting the rights of members of national or ethnic, religious, and linguistic minorities'. The General Assembly also applauds human rights treaty bodies for their efforts to ensure that minorities are treated equitably and protected from discrimination. It reiterates that Article 27 of the ICCPR is the central provision on minority rights in the UN human rights system.[67] Hence, the declaration is a call to advance the implementation of Article 27 and to boost the work of the implementation mechanisms.

The 'Minorities Declaration' was adopted by General Assembly Resolution 47/135 on 18 December 1992. It recognises 'the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities', but it is not a treaty. It therefore neither binds governments nor defines legal obligations. However, minority rights experts contend that the adoption of the Declaration of Minorities and the appointment of an Independent Expert for Minorities under the Special Procedures of the Human Rights Council is testament to the significant attention that member states of the United Nations have committed to the advancement of minority protection and the establishment of globally recognised standards.[68] Another scholar posits that the global endorsement of the Minorities Declaration may result in the adoption of a binding convention on minorities.[69] This perspective holds that the two international covenants of human rights, the ICCPR

64- Ibid, para 25.

65- United Nations '(GA Resolution 47/135)' ed. UN General Assembly (18 December 1992).

66- Ibid.

67- Ibid.

68- A Eide & R Letschert 'Institutional developments in the United Nations and at the regional level' (2007) 14 International Journal on Minority and Group Rights 299–332.

69- F C Newman 'A 'nutshell' approach to the UN human rights law protecting minorities' (1995) 19 The Fletcher Forum of World Affairs.

and the ICESCR, were adopted as a result of the universal recognition and appreciation of the Universal Declaration of Human Rights (UDHR).[70] The Declaration requires the member states to implement their minority rights obligations effectively.

The preamble and nine articles of the Declaration mostly restate the general contents of existing rights under Article 27 of the ICCPR. In 1994, the UN Sub-Commission on the Promotion and Protection of Human Rights, notes:

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international instruments, provides the best guidance for such endeavours.

The significance of the Declaration lies in its distinction as the first international human rights declaration exclusively dedicated to the protection of minority rights. The preamble and Article 9 outline explicitly the responsibility of the UN system in implementing the rights and principles articulated in the Declaration. Moreover, the preamble establishes the linkages between minority rights and the advancement of society as a whole, emphasising the importance of a democratic framework founded on the rule of law.

Article 1 protects the existence and the identity of persons belonging to minority groups, it provides:

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. 2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2 sets forth a series of rights and freedoms for persons belonging to minorities with regard to the enjoyment or assertion of, and participation in, culture, religion, language, social affairs, the economy, public life, national and regional decisions, associations, and contact with other members of their group within and beyond national borders. Article 3 repeats the language employed by Article 27 of the ICCPR concerning the exercise of these rights individually and 'in community with other members of their group'. Article 4 obliges state parties to take special measures that realise the rights of minorities and to create enabling conditions for their public participation and access to opportunities. Article 5(6) requires state parties to develop national policies and programmes to implement their obligations under the Declaration. Article 7 encourages cooperation and assistance among states. Article 8 focuses on the protection of minorities with due consideration of the interests of the state parties. Measures to protect minorities have to take into consideration

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70- Ibid.

the principles of the equal status of sovereign states, their territorial integrity, and their political independence.

The Declaration has been criticised by scholars for not adding any major entitlements to the minority protections that were already in place.[71] This view conceives of the Declaration as an authoritative interpretation of Article 27 of the ICCPR.[72] Another weakness of the Declaration is that the question of collective rights is left unresolved. Article 3 provides that 'persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.' Proposals to attach a monitoring mechanism to the Declaration were not put in place. In addition, the Declaration did not consider the importance of consultation with minorities by engaging minority representatives in the drafting process.[73] A different point of view is that the Declaration is more of a fresh start than an expansion of Article 27 of the ICCPR, and that the drafters were well aware of the distinction between individual and group rights. This view argues that the most important outcome is that the rights under the Declaration are explicitly positive. The positive approach is evident in the stronger formulation in the wording of Article 2, which provides:

Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

The phrase 'have the right' replaces the negative formulation of the rights under the ICCPR, 'shall not be denied the rights'. Nevertheless, the Declaration remains weak in two respects: it is not a legally binding instrument, and it lacks a specialised implementation mechanism.[74] The establishment of a minority rights protection system is complicated by the wide range of factual circumstances that require codification. The task is further hampered by a lack of consensus on basic concepts, like the definition of a minority, the designation of minority rights holders, and the nature of these rights. The politicisation of the minority issues is another complicated factor. To resolve this issue, member states have to be convinced that protecting minorities is in their own best interests, and that it

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71- S.A. Åkermark. Justifications of Minority Protection in International Law. (1996), 181.

72- Vijapur op cit note 11.

73- Ibid.

74- HA Strydom 'Minority rights protection: Implementing international standards,' 373–87. 75 J Pejic 'Minority rights in international law' (1997) 19 Human Rights Quarterly 666–85.

affects their internal stability positively.[75]

The Working Group on Minorities was established in 1995, three years after the adoption of the Declaration. The underlying objective, promoted by Asbjorn Eide, who became its first chairperson, was to provide a regular formal structure within which the provisions of the Declaration could be promoted and implemented.[76] The formal mandate of the Working Group was proposed by the Sub-commission in 1994, and ratified by the Human Rights Commission in 1995. The mandate of Sub-commission comprises the assessment and the promotion and implementation of the Declaration' exploration of potential solutions to issues concerning minorities, including fostering mutual understanding between minorities and governments; and to propose additional measures, as necessary, for the advancement and safeguarding of the rights of individuals belonging to national or ethnic, religious, and linguistic minorities. It should be noted that the work of the Sub-commission does not include drawing conclusions in respect of allegations of breaches of the Declaration or making specific recommendations to individual states.[77]

«Exclusion of minority groups in many states is the trigger for ongoing crises and conflicts.»

One can wonder to what extent the Minorities Declaration has been utilised in establishing the binding commitments of states. It seems that the efforts of the Sub-commission and other UN entities to protect minorities and to implement the International Declaration on Minorities have yielded modest results. Fernand de Varennes, the Special Rapporteur on minority issues, stated that the thematic section of the report on advancing the recognition and protection of minority rights at the United Nations offered a crucial evaluation of the implementation of the United Nations Declaration on the Rights of Minorities since its adoption in 1992.[78] He asserts that, 30 years prior, at the time of the adoption of the Declaration, the international community anticipated a progressive realisation of minority human rights that would transform the lives of countless communities and millions of individuals globally. The conclusions of the theme of study were not very optimistic. The record for minorities has not shown improvement; rather, it has been regressive. In summary, according to Fernand de

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75- J Pejic 'Minority rights in international law' (1997) 19 Human Rights Quarterly 666–85.

76 - T Hadden 'The United Nations working group on minorities' (2007) 14 International Journal on Minority and Group Rights.

77 - Ibid.

78 - The Human Rights Council, 23 March 2023. https://www.ungeneva.org/en/news-media/meeting summary/2023/03/les-droits-des-minorites-sont-largement-omis-dans-le-systeme-des, accessed on 29 August 2025.

Varennes, there has been minimal or no substantial institutional progress at the United Nations regarding the protection of minorities in comparison to other marginalised groups.[79]

1.3 THE AFRICAN CHARTER OF HUMAN AND PEOPLES' RIGHTS (ACHPR)

Minority groups exist in most countries of the world and are largely excluded from decision making through formal or informal arrangements. Exclusion of minority groups in many states is the trigger for ongoing crises and conflicts. Africa is no exception.[80] Against this backdrop, the ACHPR embraces the concept of the rights of 'peoples' alongside the individual human rights set out in the international human rights system. The discussion, which follows, considers the notion of 'peoples' under the Charter to ascertain whether it entails the protection of minority rights in the African context. Murray notes that the decolonisation project in Africa was aimed at removing foreign rule. The people to whom the right of self-determination applied were strictly defined as populations with non-self-governing status, within administrative borders established by the colonial powers.[81] The principle of uti possidetis requires the independent states that emerged from colonisation to inherit the colonial borders unless the decision makers, such as the UN, agreed on the remarking of international borders. The application of the principle of uti possidetis has created nation-states with multi-ethnic compositions in most African countries. Hence, most of the African states include ethnically and culturally distinct minority groups.[82]

The African Charter does not include designated provisions on minority rights. However, a number of provisions of the Charter align with the requirements for the prohibition of discrimination based on ethnicity, culture and language, and include a section addressing the rights of people. Article 2 of the Charter provides:

> [E]very individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 2 of the Charter echoes the principle of non-discrimination, which is well defined under international human rights law. Furthermore, Article 3 reaffirms the right to equality before the law and to equal protection of the law. Article 3 reads: '1. Every individual shall be equal before the law. 2. Every individual shall be entitled to equal protection of the law.'

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79 - Ibid.

80 - Vijapur op cit note 11.

81 - Murray & Wheatley op cit note 135.

82 - R S Ratner 'Drawing a better line: Uti possidetis and the borders of new states' (1996) 90 The American Journal of International Law 590–624.

The African Charter provides for the right to take part in the cultural life of one's community, which is comparable to Article 15 1 (a) of the ICESCR.

Article 17(2) emphasises the right of the individual to participate in the cultural life of the community. Article 17(3) entrusts the state with the duty of promoting and protecting the morals and traditional values recognised by the community. Article 17.2 provides: 'Every individual may freely take part in the cultural life of his community. 3. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the state.' The African Commission[83] has interpreted the provisions of Article 17(2) and (3) as recognising the state's obligations to tolerate diversity and to introduce measures to protect the identity of those groups that differ from the majority or dominant group. The Commission recognises that cultural identity includes religion, language and other defining characteristics.

A landmark decision of the African Court on Human and Peoples' Rights explaining the peoples' concept as indeed including sub-national minority groups is 'the 'Ogiek judgement'.[84] The Ogiek, one of Kenya's last forest-dwelling hunter-gatherer communities, are among the most marginalised of the country's indigenous and minorities. They have lived in the Mau Forest in Kenya's Rift Valley and the forest areas around Mt Elgon for as long as they can remember, relying on these territories for food, shelter, identity and, ultimately, survival. Since independence, and even before it, the Ogiek have often faced arbitrary forcible evictions from their ancestral land by their government, with no consultation or compensation. This has had a negative influence on the Ogiek's pursuit of their traditional lifestyle, religious and cultural life, access to natural resources on their territory and, more broadly, access to education, health care, and justice.[85]

The Ogiek judgement refers to two decisions by the African Court that favour the Ogiek indigenous community of Kenya. The indigenous Ogiek of Kenya successfully challenged their expulsion from their ancestral lands and territories in the Mau Forest, as well as the systematic infringement of their related rights, which the government rationalised as conservation efforts owing to the significance of the Mau Forest as a key water catchment

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83 - Article 45 of the Charter sets out the mandate of the Commission, which includes interpreting the Charter. Accordingly, the Commission is mandated to interpret the provisions of the Charter upon a request by a state party, the organs of the African Union, or individuals, and specifically concerning rights not to be discriminated against and rights to preserve cultural identity.

84 -African Commission on Human and People's Rights v Republic of Kenya. Communication No 006/2012. Complainant's Submission on the Merits. ACHPR, Banjul, The Gambia, https://minorityrights.org/app/uploads/2024/01/final-mrg-merits-submissions-pdf.pdf, accessed 27 August 2025.

85 See https://minorityrights.org/african-commission-of-human-and-peoples-rights-v-kenya-the-ogiek-case/, accessed on 27 August 2025.

region. The Court's landmark ruling determined that the conservation of the Mau Forest did not warrant the denial of the Ogiek's indigenous status and rights. In addition, it was asserted that the Ogiek were not accountable for the depletion of the Mau Forest.[86] Kenyan institutions have neglected to address Ogiek rights five years post-judgment, notwithstanding the Court's unequivocal and thorough findings. In June 2022, the Court rendered a seminal ruling regarding the remedies that the Government of Kenya is obligated to furnish to the Ogiek as part of its reparations process. The verdict mandates the government to restore Ogiek land under collective title, in accordance with Kenyan statute and international law, emphasising explicit conservation principles and the pivotal role of indigenous forest inhabitants in forest management.[87]

Concerning language rights, the communication of the Commission in the case against Mauritania is an example.[88] Here, the Commission states that language is an important part of a person's identity and deprivation of the right to use his own language amounts to deprivation of his cultural identity.[89] Murray notes that the interpretation of the provisions of the African Charter to extend their ambit to minority protection is contradicted by the lack of measures for the Commission to ensure adequate conditions for the existence of the groups, minorities in particular, and for respect of their difference.[90] In contrast, some communications, such as in the case of the Black Mauritanian ethnic group, indeed give attention to issues of minority protection. Reports claimed that Black Mauritanians[91] were being murdered, expelled from their lands, denied the right to speak their language, ill-treated and tortured in custody, detained and denied the right of fair trial, and subjected to the confiscation of their goods. A number of decisions published later in the Thirteenth Report of the Commission were significant in determining that the ill-treatment of the minority group in question was contrary to the provisions of the Charter.[92]

Articles 19 through to 24 of the African Charter provide for people's rights. The philosophy

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86 - African Commission on Human and People's Rights v Republic of Kenya. Communication No 006/2012. Complainant's Submission on the Merits. ACHPR, Banjul, The Gambia, supra.

87 - Ibid.

88 Malawi African Association and Others v Mauritania, Comm. Nos. 54/91, 61/91, 98/93, 164/97 à 196/97 and 210/98, African Commission on Human and People's Rights, 11 May 2000, https://www.refworld.org/jurisprudence/caselaw/achpr/2000/en/96901, accessed on 31 October 2024.

89 - Ibid.

90 - Murray & Wheatley op cit note 135.

91 - The Thirteenth Report of the Commission.

92- Murray & Wheatley op cit note 135.

of the Charter regarding the concept of 'people' in the African context is that the individual is not abstract or isolated; they are, rather, an integral member of a group or a community. The Charter emphasises the need to preserve the African perspective by reflecting the correlation between the rights of an individual and the rights of their community. However, the term 'people' is not authoritatively defined under the African Charter. While there is no universal agreement on the meaning of 'people' under international law, one view holds that it requires both an objective and subjective element to be met.[93] The objective criterion is the existence of an ethnic group connected by a shared history. The robustness of the ethnic– historical connection is undeniably a subject of debate. It is sometimes proposed that the connection should manifest, among other factors, in a shared area, religion, or language. The subjective foundation to peoplehood entails that the ethnic connection based only on historical genealogy is insufficient. It is vital that the ethnic group in question has a current shared culture, belief or conviction.[94]

As such, the group in question must be able to demonstrate its ability to identify and to locate its members, typically through a shared ethnic or historical background. It is reasonable to conclude from the Charter's language that 'colonised or oppressed peoples', as mentioned in Article 20(2),[95] and those engaged in a 'liberation struggle against foreign domination, be it political, economic, or cultural', as mentioned in Article 20 (3),[96] are intended to be included. Kiwanuka identifies four interpretations of the term 'people' in the African Charter. The first refers to all persons within the geographical limits of an entity yet to achieve political independence or majority rule, that is, a case of the external aspect of self-determination. Secondly, it refers to a group of people with certain common characteristics, who live as a minority within the geographical limits of an entity. The state is an entity of international law, and the people of the state as a whole are the nation of the state. The notion of 'popular sovereignty' aims to separate people from the state in order to reserve political and economic space for them. The space for the people becomes critical when the interests of the people and the state diverge. Theoretically, it is for the people to insist upon their own legitimacy as a source of rights, even as against the state. The rights of the people to combine their actions in order to demand their rights from the state are known as 'solidarity rights'. The right to solidarity is the right of the people collectively to

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93 - Y Dinstein 'Collective human rights of peoples and minorities' (1976) 25 International and Comparative Law Quarterly 102–20.

94- Ibid.

95 - Article 20(2): 'Colonized or oppressed people shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.'

96 - Article 20(3)3: 'All peoples shall have the right to the assistance of the States Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.'

seek their rights against and from the state. The solidarity rights consolidate and actualise individual rights through concerted collective actions by a range of actors, including civil society, the public sector and private institutions.[97] Pentassuglia notes that the concept of 'peoples' under the African Charter does not distinguish intrinsically between minority rights and indigenous people's rights, such as land rights. The two concepts of minority and endogenous people have been merged under the umbrella of people's rights.[98] Some commentators criticise the notion of people's rights under the African Charter. They argue that it is 'aspirational',[99] and difficult to render 'operational'.[100] Furthermore, it confuses the conventional individual human rights, such as the rights to economic development and democratic participation in politics, with the rights of states to sovereignty and non-intervention under customary international law. According to the critics, these two sets of rights are entirely different and have differing legal implications.[101] Eventually, the confusion of the 'state' as the duty bearer with the 'population' under the name of 'peoples' comes at the expense of the population and their human rights. Mixing up the state's rights with 'people's' rights furnishes tyrannical states with an excuse for violating rights in the name of people.[102]

«The two concepts of minority and endogenous people have been merged under the umbrella of people's rights.»

To summarise, the minority rights under the African Charter are gaining more attention from the African Commission. However, the legal framework lacks concise obligations and a clear implementation mechanism. The time may be opportune for the adoption of a legally binding instrument on minorities, which aligns with the African con-

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97 - K Vasak 'For the third generation of human rights: The rights of solidarity.' In Inaugural Lecture, 10th Study Session ed. Institute of Human Rights (1979) cited by Richard Kiwanuka; R N Kiwanuka 'The Meaning of 'People' in the African Charter on Human and Peoples' Rights' (1988) 82 The American Journal of International Law 84.

98 - Pentassuglia 'Indigenous groups and the developing jurisprudence of the African Commission on Human and Peoples' Rights: Some reflections' (2010) 3 UCL Human Rights Review 150–63.

99 - Murray & Wheatley op cit note 135.

100 - B G Rancharan 'Peoples' rights and minorities' rights' (1987) 9 Nordic Journal of International Law 9–38.

101 - Ibid.

102 - Ibid.

text.[103] Such an instrument would have to transcend the political and legal thinking of the post-colonial era, where the notion of people's rights has been a catalytic factor in the struggle for liberation and decolonisation.[104] New thinking has to emerge, with the aim of opening up opportunities for coexistence and tolerance under a constitutional order. The legal resolution of minority issues is in keeping with the African Union's increasing emphasis on the rule of law and constitutionalism.[105] In other words, devising clear measures to enshrine the principle of non discrimination and the promotion of a substantive equality and protection of distinct identities of minority groups as marginalised groups is not inconsistent with the African human rights system.

1.4 EQUALITY AND NON-DISCRIMINATION

This section sets out the key issues that pertain to the concept of equality and non discrimination vis-à-vis minority rights. The Sudan National Interim Constitution includes Article 31 on equality before the law and the prohibition of discrimination. Substantive equality, which entails different treatment to attain real or factual equality,[106] and specifically 'affirmative actions', is also a significant theme within it. Article 32(2) of Sudan's Interim Constitution of 2005 introduced, for the first time in the country's history, 'affirmative actions' to address gender inequalities. It provides that '[the] State shall promote women's rights through affirmative action'. However, no similar constitutional provision was introduced to safeguard the cultural identity of minorities.

1.4.1 The prohibition of discrimination

The ICCPR and ICESCR prohibit discrimination on grounds of ethnicity and culture. Article

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103 Examples of designated protocols under the Charter are the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo, 11 July 2003) and the African Charter on the Rights and Welfare of the Child (Organization of African Unity, 11 July 1990).

104 - 'Decolonisation' has been defined as the undoing of colonialism, the latter being the process by which imperial nations establish and dominate foreign territories. It refers in particular to independence movements in the colonies and the collapse of global colonial empires. The UN states that the fundamental right to self determination is the core requirement for decolonisation, and that this right can be exercised with or without political independence. A UN General Assembly resolution in 1960 characterised foreign colonial rule as a violation of human rights (Declaration on the Granting of Independence to Colonial Countries and Peoples, Resolution 1514 (XV), adopted by the General Assembly on 14 December 1960).

105 - African Union. African Charter on Democracy, Elections and Governance. Adopted at 80th Ordinary Session of the Assembly of Heads of States (30 January 2007).

106 - See further discussion of the concept of substantive equality, infra.

2(1) of the ICCPR obligates each state party to respect and ensure to all persons in its territory and subject to its jurisdiction the rights recognised in the Covenant without discrimination of any kind on grounds such as race, colour, sex, language, religion, political affiliation or opinion, national or social origin, property, birth, or other status. Article 26 does not only entitle all persons to equality before the law as well as equal protection under the law, but it also prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In nearly every instance where the ICCPR mentions the promotion of respect for human rights and fundamental freedoms, the words 'without distinction as to race, sex, language or religion' follow immediately.[107] The prominence of the prohibition of discrimination on impermissible grounds is also evident in the UDHR, the UN Convention on the Elimination of All Forms of Racial Discrimination,[108] and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly. Both Article 2(1) and Article 26 of the ICCPR enumerate grounds of discrimination, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Human Rights Committee, in General Comment No. 18,[109] has observed that, in a number of constitutions and laws, not all the grounds on which discrimination is prohibited, as per Article 2(1), are enumerated.[110] While Article 2 limits the scope of the rights to be protected against discrimination to those provided for in the Covenant, Article 26 does not specify such limitation. That is to say, Article 26 provides that all persons are equal before the law and are entitled to equal protection of the law without discrimination, and that the law shall guarantee to all persons equal and effective protection against discrimination on any of the enumerated grounds.

In the view of the Human Rights Committee, Article 26 does not merely duplicate the guarantee already provided for in Article 2, but it also provides an autonomous right in and of itself. It prohibits discrimination in law or in fact in any field regulated and protected by public authorities. Article 26 is therefore concerned with the obligations imposed on state

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107 - J P Humphrey 'Preventing discrimination and positive protection for minorities: Aspects of international law' Les Droits des Minorites: Mythe ou Realite Les Cahiers de Droit 27 (1986).

108 - UN General Assembly. International Convention on the Elimination of All Forms of Racial Discrimination. GA Resolution 2106 (21 December 1965).

109 UN Human Rights Committee (HRC) (10 November 1989) CCPR General Comment No. 18: Non discrimination https://www.refworld.org/docid/453883fa8.html accessed on 3 December 2023.

110 - Ibid.

parties in regard to their legislation and the application of them. Thus, when legislation is adopted by a state party, it must comply with the requirement of Article 26 that its content not be discriminatory. In other words, the application of the principle of non-discrimination contained in Article 26 is not limited to those rights provided for in the Covenant.[111] The Committee observes that not every differentiation of treatment will constitute discrimination, provided that the criteria for such differentiation are reasonable and objective and that the aim is to achieve a purpose which is legitimate under the Covenant.[112]

Kristin Henrard maintains that an adequate system of protection of minorities entails a two-pillar approach. The first pillar concerns the prohibition of discrimination in combination with individual human rights that afford protection to all citizens on an equal footing, as discussed above. The second pillar comprises substantive equality measures that aim to protect and promote the identity of minorities.[113] The next section provides a more detailed discussion of the concept of substantive equality, and temporary special measures, as spelt out in the ICERD.

1.4.2 Substantive equality: 'temporary special measures'

Kirstin Henrard argues that non-discrimination and 'opening towards substantive equality' are central to the protection of the identity of minorities. In Henrard's account, a crucial distinction should be noted between substantive, or actual or full equality, and formal equality, often known as 'equality as consistency', which aims to treat everyone in the same way. Full equality recognises differences in 'starting positions' that may require distinct treatment to achieve real, effective equality.[114] Sandra Fredman asserts that the exact definition of substantive equality remains debated. The formal equality principle, which maintains that 'like should be treated alike', is arguably the most prevalent interpretation of the right to equality, mainly manifested in the prohibition of direct discrimination or disparate treatment.[115] Alternatively, the objective of substantive equality is to achieve equality of opportunity or outcome.[116] Equality of opportunity involves implementing measures to provide access to social and economic opportunities, including employment. Equality of outcome or equality of result entails the achievement of specific objectives, for example,

111- Ibid.

112 - Ibid.

113 - Henrard op cit note 88.

114 - Ibid.

115 - S Fredman 'Substantive equality revisited' (2016) 14 International Journal of Constitutional Law.

116 - Ibid.

allocating a set number of parliamentary seats in quota systems to ensure minority representation in decision-making.[117]

Fredman characterises the concept of dignity as a form of substantive equality as well. In Fredman's account, the primacy of individual dignity and worth as a foundation for equality rights has been articulated in a number of jurisdictions,[118] both in constitutional or statutory laws and by courts. Similarly, since the beginning of the South African Constitutional Court's jurisprudence on equality, dignity has played a central role. Thus, Ackerman J, in the early case of Prinsloo v Van der Linde,[119] stated that unfair discrimination 'principally means treating persons differently in a way which impairs their fundamental dignity as human beings.'

Sandra Fredman asserts that the right to substantive equality should not be reduced to a singular formula, such as equality of opportunity or results or dignity. Instead, she suggests a four-dimensional approach. This approach aims to address stigma, stereotyping, prejudice, and violence, while also promoting voice and participation, accommodating difference, and achieving structural change. According to Fredman, it is imperative that the right to equality be responsive to individuals who are marginalised, devalued, excluded, or ignored. The four

dimensional approach to substantive equality of Sandra Fredman entails recognition, redistribution, participation, and transformation.[120] The recognition dimension aims to identify the stereotypes, prejudice, and violence that affect marginalised and disadvantaged individuals, and to promote the right to equality.[121] The redistributive dimension seeks to redress disadvantage through affirmative action.[122] The participative dimension claims that judicial review must provide compensation to marginalised individuals for their lack of political power. Positive actions may also be implemented by the participative dimension to guarantee that all individuals who are impacted by discrimination are able to participate in society.[123] Finally, the transformative dimension acknowledges that equality could not be reached through equal treatment and that the societal structures, which perpetuate

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117 - Ibid.

118 - Ibid.

119 - Prinsloo v Van Der Linde and Another [1997] ZACC 5 Constitutional Court of South Africa (1997).

120 - Fredman op cit note 291.

121 - Ibid.

122 - Ibid.

123 - Ibid.

disadvantage and discrimination, must be 'transformed' to accommodate difference. The transformative dimension may employ both positive and negative obligations to remedy disadvantage.[124] In the words of Fredman these aspects are 'intentionally articulated in terms of dimensions to enable the examination of their interaction and synergies, rather than to establish a predetermined lexical priority'.[125]

Kirstin Henrard argues that certain elements are fundamental to substantive equality in the context of minority rights. These elements, according to Henrard, include the acknowledgement of indirect discrimination, the identification of a duty to differentiate, the duty to accommodate differences reasonably, and the broader duty to promote equality and equal treatment as well as the acceptance of affirmative action measures.[126] On the nature of substantive equality in the context of the protection of the cultural identity of minorities, the ICERD authorises the adoption of 'special measures' by a state party to address historical discrimination against individuals or groups. Article 1(4) provides as follows:

> [S]special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

The Committee on the Elimination of Racial Discrimination (CERD) issued General Recommendation No. 32 on special measures.[127] The concept of 'special measures' is based on the principle that laws, policies and practices that are established to meet the obligations under the Convention require advancement, when appropriate, through the implementation of 'temporary special measures' . The aim of the 'temporary special measures' is to ensure the full and equitable enjoyment of human rights and fundamental freedoms for marginalised groups. The term 'special measures' includes measures that, in some countries, may be termed 'affirmative measures', 'affirmative action', or 'positive action' in cases

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124 - Ibid.

125 - Henrard op cit note 88 at 14–16; Fredman op cit note 309.

126 - K Henrard 'The protection of minorities through the equality provisions in the UN human rights treaties: The UN Treaty Bodies' (2007) 14 International Journal of Minority and Group Rights 141–80.

127 - UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 32, The Meaning and Scope of Special measures in the International Convention on the Elimination of All Forms [of] Racial Discrimination, 24 September 2009, CERD/C/GC/32. https://www.refworld.org/docid/4adc30382.html, accessed 3 December 2023.

where they correspond to the provisions of Articles 1(4) and 2(2) of the Convention.[128] In line with the Convention, the present recommendation employs the terms 'special measures' or 'special and concrete measures', and encourages state parties to employ terminology that clearly demonstrates the relationship of their laws and practice to these concepts in the Convention. The term 'positive discrimination' is, in the context of international human rights standards, contradictio in terminis and should be avoided. 'Measures' includes the legislative, executive, administrative, budgetary and regulatory instruments, at every level of the state apparatus, as well as plans, policies, programmes and preferential regimes in areas such as employment, housing, education, culture, and participation in public life for disfavoured groups, devised and implemented on the basis of such instruments.[129]

The obligation to take special measures is distinct from the general positive obligation of states parties to the Convention to secure human rights and fundamental freedoms on a non discriminatory basis to persons and groups subject to their jurisdiction. This is a general obligation flowing from the provisions of the Convention as a whole and integral to all parts of the Convention.[130] The 'special measures' should not be confused with specific rights pertaining to certain categories of persons or communities, such as the rights of persons belonging to minorities to enjoy their own culture, profess and practise their own religion, and use their own language. Such rights are permanent rights, recognised as such in human rights instruments, including those adopted in the context of the UN and its agencies. States parties should carefully observe distinctions between 'special measures' and permanent human rights in their law and practice.[131] The distinction between 'special measures' and permanent rights implies that those entitled to permanent rights may also enjoy the benefits of 'special measures'. Beneficiaries of 'special measures' under Article 2 (2) may be groups or individuals belonging to such groups. The advancement and protection of communities through 'special measures' is a legitimate objective to be pursued in tandem with respect for the rights and interests of individuals.[132]

While the special measures may protect minority groups to practice their cultures and languages, traditional cultures by and large are patriarchal and condone discriminatory practices against women within minority groups. The next section discusses the discrimination against minority women in greater detail.

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128 - Ibid.

129 - Ibid.

130 - Ibid.

131 - Ibid.

132 - Ibid.

1.4.3 Discrimination against minority women

The Human Rights Committee (HRC)[133] notes in General Comment no. 28 on Article 3 of the ICCPR that discrimination against women is often 'intertwined with discrimination on other grounds'.[134] The Human Rights Committee, drawing on its 20 years of experience, has revised and superseded General Comment No. 4 (13th session, 1981) regarding article 3 of the Covenant. The HRC issued General Comment 28 instead, which recognises the significant impact of Article 3 on the protected human rights of women. General Comment No. 28 mandates that State parties must implement all necessary measures to ensure that all individuals can enjoy fully the rights included in the Covenant, as articulated in articles 2 and 3. This entails eliminating obstacles to the equitable enjoyment of rights, informing citizens and government officials about human rights, and amending domestic legislation to fulfil Covenant obligations. In order to empower women effectively and equally, the State Party must adopt proactive and protective measures in every domain. Further, the States Parties are required to furnish information regarding the role of women in society, enabling the Committee to assess the measures, beyond statutory requirements, that have been or ought to be implemented to meet these commitments, the progress achieved, the problems encountered, and the strategies employed to address them.

The Committee on the Elimination of Racial Discrimination (CERD)[135], in its General Recommendation No. 25, emphasises the significance of gender in racial discrimination and is dedicated to incorporating gender analysis into all its activities.[136] The Committee notes that racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life.

The discriminatory cultures enable minority groups to deny their fellow minority women their rights and to condone discriminatory customs and practices against women in their own communities, such as the practice of customary law that condones domestic violence. The state party are required to abstain from discrimination against women and to prohibit discrimination against women by public and private entities. This includes their own mi-

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133- The Human Rights Committee (HRC), op cit note 96.

134- HRC, 'General Comment No.28: Equality of Rights between Men and Women (art. 3)' (2000) CCPR/C/21/Rev1/Add10 [30].

135- The Committee on the Elimination of Racial Discrimination (CERD), op cit note 98.

136- CERD, General Recommendation No 25: Gender Related Dimensions of Racial Discrimination, 20 March 2000, A/55/18 Annex V at 152 ('CERD, General Recommendation No 25') at para 1.

nority group or culture.

It has been argued that real choices can only be made if the women in question have the right to leave the group, what is known as 'the right to exit'.[137] Friedman sets a three-step test to determine whether individuals in groups have made their decision freely. First, they must 'be able to choose among a significant and morally acceptable array of alternatives.' Second, they must 'be able to make their own choices relatively free of coercion, manipulation, and deception.' Third, they must 'have been able to develop, earlier in life, the capacities needed to reflect on their situations and make decisions about them.'[138]

Alexandra Xanthaki contends that framing issues as a binary opposition between cultural rights and women's rights overlooks the complex, multifaceted identities of women.[139] The decolonisation of international human rights law indicates an acknowledgement of the universality of rights, while also recognising that the application of these standards must consider the specific interests and strategies of the women affected.[140] Xanthaki asserts that the actualisation of universal human rights is contingent upon the acknowledgement of both cultural rights and individual rights of women. The only way to uphold women's intersecting identities[141] and be culturally sensitive is to work towards the adoption of both sets of rights to the extent that the individual women deem suitable.[142]

The extent to which Article 27 of the ICCPR binds state parties to prevent discrimination; specifically, against minority women by its own cultural group is illustrated by the leading case of Lovelace v Canada.[143] Sandra Lovelace, a Maliseet Indian, lived on the Tobique Res-

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137 - C Kukathas The Liberal Archipelago: A Theory of Diversity and Freedom (Oxford University Press, 2003).

138 - M Friedman, Autonomy, Gender, Politics, (Oxford, Oxford University Press, 2003) 188.

139 - A Xanthaki. 'When universalism becomes a bully: Revisiting the interplay between cultural rights and women's rights.' (2019) 41 Human Rights Quarterly 701–24.

140 - Ibid.

141 - Intersectionality refers to the interconnectedness of social categories, including race, class, and gender, as they pertain to an individual or group, resulting in overlapping and interrelated systems of discrimination or disadvantage, see K Crenshaw. (2013). 'Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics' In Feminist legal theories.

142 - Xanthaki, op cit note 77.

143 - Sandra Lovelace v Canada, Communication No. 24/1977: Canada 30/07/81, UN Doc. CCPR/C/13/D/24/1977.

ervation with her parents until she married a non-Indian man. The marriage ended and Ms Lovelace returned to the reservation to live with her parents; however, she could not purchase a home on the reserve because the council prioritised housing for members of the group. The Canadian Indian Act states that an Indian woman who marries a non-Indian man loses her Indian status, which also means a loss of access to federal programmes for Indians in education, housing and social assistance, and her right to own a residence or reside on a reserve was relinquished. Furthermore, she lost her rights: to borrow funds from the Band Council for housing; the traditional hunting and fishing rights and the cultural benefits that come with living among family and friends on the reserve. Ms Lovelace submitted an application to the Human Rights Committee, claiming that these were violations of Articles 2(1), 3, 23(1) and (4), 26 and 27 of the ICCPR because the Act only strips Indian women who marry non-Indians of their Indian status, while the Indian male retains his rights to live and own land in the reserve when he gets married to a non-Indian woman. She lost her status before the ICCPR was ratified by Canada. However, the Committee found that the effects of losing cultural benefits from living on the reserve continued after the treaty was ratified. The Committee determined that individuals who are born and raised on a reserve, and have maintained ties and want to further maintain ties to that community, are considered part of that minority group within the specification of Article 27. On this basis, Ms Lovelace was determined to be a member of the Maliseet Indians, as she was raised on the reservation and left only for the few years during which she was married. The Committee also found that Ms Lovelace's right to enjoy her culture was impeded because there were no communities outside the reserve that shared her language and culture. Finally, the Committee decided that denying Ms Lovelace access to live on the reserve was neither reasonable nor necessary to preserve the group's identity. Therefore, it held that stripping M. Lovelace of her Indian status denied her Article 27 rights, which constituted a violation of the ICCPR.

The Lovelace case is an important precedent on how the international human rights system interprets domestic policies, in this case Canada's policy of multiculturalism, in the light of the country's international obligations. The importance of the case as far as Sudan is concerned, is that the case demonstrates the applicability of Article 27 of the ICCPR in preventing multiple discriminations. It also shows how the application of Article 27 by the Human Rights Committee tackles the intersection of discrimination based on minority status and discrimination against women based on gender as contravening the Convention.

The following section examines another aspect of the nature of minority rights. The question is whether minority rights are exclusively individual rights or whether they imply the existence of group rights.

1.4.4 Individual and group rights

The classic standpoint of international human rights law is that all rights are vested in individuals. The core philosophy is that human beings are equal and should enjoy equal rights. Discrimination is not allowed against an individual for their traits (race, sex or origin) or their membership of a cultural group (culture, religion or language). In the arena of minority rights, however, there is growing support for the idea that an adequate protection system for minorities emphasises individual rights in combination with group rights. The rationale for the recognition of group rights for minorities comes from the notion that individuals belonging to a minority group have an inherent entitlement to safeguard and maintain their distinct cultural identity. The right to cultural identity entails group rights in the sense that individuals, as members of a group, sustain their cultural rights jointly with others and practise them through collectives or communities.[144] Philip Ramaga, for instance, supports the argument in favour of group rights on the ground that culture is bound up with group consciousness in that the two are mutually supportive. In his view, culture creates group consciousness, and group consciousness maintains culture.[145]

The collective conception of rights does not presume that the interests of the group can be represented consistently through the consideration of the interests of autonomous individuals. Individual rights and group rights are separate but interrelated. Admittedly, there is the possibility of a dispute between individual and group rights. The method for reconciling these opposing rights is based on the primacy of individual rights. Therefore, group rights are valid insofar as they promote individual rights. Collective rights must not undermine or supplant the individual rights that are the essence of human rights.[146]

Contemporary liberal scholarship argues that one's cultural membership is a determinant of the opportunities available for one's prosperity. Liberal political theory adopts three broad responses to cultures within its polity. The first approach is 'toleration', where the majority culture allows minority cultures to enjoy their way of life without being criminalised; in turn, the minority is required to respect the majority culture. In the 'toleration' model, the minority culture enjoys limited access to public space and resources, including financial support for their cultural activities and their usage of the public media.[147] The 'toleration' approach is complemented by the second approach of 'non-discrimination',[148]

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144 - Human Rights Committee. General Comment No. 23: The Rights of Minorities (Article 27). Doc. HRI/GEN/1/Rev 9 (1994): 207–210.

145 - P V Ramaga 'The group concept in minority protection' (1993) 15 Human Rights Quarterly 575–88.

146 - D Sanders 'Collective rights' (1991) 13 Human Rights Quarterly 368–86.

147 - J Raz 'Multiculturalism: a liberal perspective' in Joseph Raz (ed.) Ethics in the Public Domain: Essays in Morality of Law and Politics (1995) 170–91.

148 - Henrard op cit note 88.

under which individual rights against discrimination are emphasised on national, racial, ethnic, religious, and gender or sexual orientation grounds. 'Non-discrimination' is a natural extension of the liberal constitutional and civil rights movement and entails that the majority is not free to exclude the minority from the public space. Educational institutions, and economic and political arenas, are no longer reserved for the majority but are open to all citizens, including members of minority cultures.[149]

According to Raz, the third liberal approach to the question of minorities is the 'affirmation of multiculturalism'. This 'affirmation of multiculturalism' is associated with societies in which there are stable cultural communities, which are 'willing and able to perpetuate themselves'. Raz focuses on multicultural polices in cases of minority cultures that are not inhabiting their separate lands, but are sharing the same territory with the majority culture. In his theory, the cultural group has a life of its own and is not completely reducible to its individuals in terms of behaviours or mindsets. However, the moral claim of the group to be respected and acknowledged is legitimised only through its importance to the prosperity of the individual members of the group.[150] Regarding the possibility of reluctance on the part of the cultural group to accept the norms of individual human rights, Raz argues that there is an unavoidable tension between acceptance and rivalry among competing ways of life. Resistance to change is also persistent in all cultural groups that wish to maintain their way of life, especially in the face of external pressure to change because of coexistence with the dominant culture. Multiculturalism, in his view, is not resistant to change of culture; rather, it encourages communities to change in their new multicultural society because of interaction with much larger groups. Cultural change is entirely acceptable, if is not imposed, if it stems from respect for individuals and their communities, and if it occurs gradually. Furthermore, having the option of 'exit' is an essential safeguard for the members who are oppressed by their culture. The right to 'exit' is a safeguard against the concern that multiculturalism encourages repressive cultures to perpetuate their methods; the opportunity to exit is of paramount importance, as the majority of cultures are repressive to a lesser or greater extent.[151]

Raz's argument seeks reconciliation of conflicting group and individual rights in the liberal theory of multiculturalism. His argument emphasises the centrality of the universal paradigm of individual rights. In summation, he contends that cultural groups have the right to maintain their own way of life, provided that they respect and promote universal individual human rights.

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149 - Raz op cit note 340.

150 - This view is different from the definition of Caportorti, in terms of which a group has to have its own territory in order to qualify as a minority.

151 - Raz op cit note 323.

The following section examines the politics of multiculturalism and interculturalism, the main critics of these conceptions and the ways in which they intersect with one another.

1.5 THE POLITICS OF 'MULTICULTURALISM' AND 'INTERCULTURALISM'

1.5.1 MULTICULTURALISM

The term 'multicultural' denotes the existence of diversity within a specific polity; the state of affairs in which various ethnicities, nations, beliefs, languages and cultures exist within the boundaries of the state. However, not all 'multicultural' societies have embraced the principles of 'multiculturalism'. A society composed of various cultural groups is deemed multicultural, whereas 'multiculturalism' is the 'normative response' to such diversity.[152] As a rights-based term, multiculturalism indicates the framework that is designated to guarantee to these diverse nations, cultures, languages and ethnicities equal rights and equal participation in the public affairs of the state. Particularly, that their distinct cultural identities are recognised, protected and reflected in the cohesive identity of the state. The multicultural perspective counteracts the monocultural constitutional paradigm in which the state enforces the majority culture and language as the official language and national culture of the nation.[153] The theory of multiculturalism in liberal traditions, according to Will Kymlicka, is founded on individual liberalism in that it provides fundamental freedoms of choice to individuals in terms of how they lead their lives. It allows them to choose their conception of the good life, as well as allowing them to reconsider their conception of this and to adopt a better plan without discrimination or punishment. Freedom of choice is intrinsically connected to an individual's own culture and conception of good. Individual freedom, including freedom of thought and expression, is granted to every individual in a liberal society; however, special rights are accorded only to people for whom societal culture has been marginalised as the result of the process of formulating the common or dominant culture in a liberal state.[154] Kymlicka argues that the modern world is divided into societal cultures,[155] which he defines as:

> [t]he cultures that provides its members with meaningful ways of life across the full

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152 - B C Parekh Rethinking Multiculturalism: Cultural Diversity and Political Theory (2000) 6.

153- See ch 3, supra, on the nation state and monocultural approach.

154 - Kymlicka op cit note 60 at 81; R Dworkin 'What is equality? Part II: Equality of resources' (1981) 10 Philosophy and Public Affairs 283–345; J Rawls 'A theory of justice' (1971) 88 Quarterly Journal of Economics 633–55.

155 - Ibid. ch 5.

> range of human activities, including social, educational, religious, recreational, and economic life, encompassing both the public and private spheres. The societal culture is territorially concerted and based on a shared language.[156]

In his theory of multiculturalism, Kymlicka endorses the view that modernisation involves the diffusion throughout a society of a 'common culture', one that includes a standardised language and is embodied in common economic, political and educational institutions.[157] The common culture is important for three reasons. First, it is a functional requirement of a modern economy, with its need for a mobile, educated and literate workforce. Second, it reflects the need for a high level of solidarity in a modern democratic state, such that the citizens have a sense of common identity; this common identity needs to be facilitated at least by a common history and language. Third, the diffusion of a common culture is necessary for equality of opportunity, for example, in the provision of standardised public education throughout a society to ensure equality of opportunity for citizens from different classes, ethnic origins and geographical affiliations. Kymlicka disagrees with the notion that the process of building a common culture extends throughout the country. In the example of the United States, the English-speaking, Anglo-Saxon-based culture formulates the common culture or, more accurately, the dominant culture, yet there are different national societal cultures among minority groups. Kymlicka proposes that societal culture is essential for the freedom of the individual in a liberal society.[158] The guarantee of special rights for minority cultures, according to Kymlicka, is important in a liberal state for two reasons. The first was mentioned above, namely that membership of a societal culture provides meaningful options for an individual; hence, if a culture is decaying or discriminated against, the opportunities shrink that are open to its members. The second reason is that cultural identity provides an 'anchor' for people's sense of identity and belonging. Individual self-respect is bound up with the esteem in which their national group is held. If a culture is not generally respected, then the dignity and self-respect of individuals is also undermined.[159]

Kymlicka observes that numerous minority cultures exhibit illiberal tendencies and fail to foster autonomy among their members. These cultures impose certain roles on individuals belonging to minority groups; hence, inhibiting their ability to question or challenge these assigned roles. Examples of such repressive customs include those that affect wom-

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156 - Ibid. 76.

157 - E Gellner Nations and Nationalism (1983); per Kymlicka op cit note 60 at 76.

158 - Ibid.

159 - Kymlicka op cit note 60 at 89; A Margalit & M Habertal, 'Liberalism and right to culture' (1991) 61 Social Research 491–510; J Raz 'National self-determination' (1990) 87 Journal of Philosophy 439–61.

en or lower

caste minorities (minorities within a minority) disproportionately. The liberal culture should not aim to dissolve illiberal cultures, according to Kymlicka, but rather to liberalise them. This argument is based on his position, already discussed, about the importance of cultural membership on the grounds that most liberal cultures in the world had illiberal pasts, with their liberalisation requiring a 'prolonged process of institutional reform'.[160] Yet illiberal cultures are required to abandon restrictive internal practices against their members as a prerequisite for the protection afforded to their culture from external marginalisation and discrimination in a liberal state.[161]

Charles Taylor, in the 'politics of recognition', focuses on the presumed links between recognition and identity. The foundation of this link is that one's identity is shaped partially by recognition or misrecognition by others. The feminist thesis, as well as those of colonised and indigenous groups, is based on the argument that misrecognition by a patriarchal or exclusionary society inflicts damage to their identities.[162] When marginalised groups or individuals internalise their misrecognition by others, the resultant negative image they have of their own identities contributes to their confinement, oppression and exclusion.[163] Charles Taylor's notion of liberal multiculturalism recognises cultural differences within liberal theory, which is based on the concept of respect for human dignity. Taylor's thesis of the politics of recognition is not a 'difference-blind' theory; rather, it is a 'difference-sensitive' thesis. He opposes the alleged neutrality of classical liberalism as favouring the dominant European culture.[164] He criticises the Eurocentric approach to the value of other human cultures and civilisations, doing so on the premise of the equal worth of human cultures. He emphasises respect for human dignity as the foundation for equality. Respect for human dignity depends on the recognition of the identities of individuals. These individual identities are different, and culture plays a vital role in shaping these different identities. It is therefore important for liberal values to acknowledge cultural diversity.[165]

A significant criticism of multiculturalism is that it promotes the establishment of exclu-

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160 - Kymlicka op cit note 60 at 94.

161 - Ibid. 163–172.

162 - C Taylor 'The politics of recognition,' in A Heble, D Palmateer Pennee & JR (Tim) Struthers (eds) New Contexts of Canadian Criticism (1997) 98–131.

163 - Ibid.

164 - Ibid.

165 - A Mason 'The critique of multiculturalism in Britain: Integration, separation and shared identification. (2018) 21 Critical Review of International Social and Political Philosophy 122–45.

sive, culturally defined enclaves instead of facilitating integration with the wider society. This may result in social and political turmoil and undermine national cohesion.[166] Critics contend that multiculturalism frequently fosters an 'essentialist' perspective of culture, perceiving cultural groups as static, homogeneous, and confined entities. This inflexible representation may amplify cultural disparities, rendering them more exotic than they truly are, and can obstruct the acknowledgement of cultural shift and internal diversity.[167] Furthermore, opponents argue that multiculturalism dilutes the common national culture, resulting in the loss of a shared cultural identity. This may be interpreted as a danger to a nation's established values and customs. According to this argument, a society with too many cultures may lack an overarching cultural identity, resulting in a perceived lack of coherence or diluting the existing culture.[168]

Critics of multiculturalism also argue that it shifts the focus from the significant issues of social and economic inequality to the realm of cultural distinctions. This has the potential to obscure social injustices, thereby transforming them into a form of 'cultural diversity' that is more acceptable than addressing the underlying economic disparities.[169] A prominent critic argues that multicultural policies can be detrimental to women, as they may inadvertently perpetuate patriarchal practices in minority cultures by providing special accommodations or exemptions from broader laws.[170]

Xanthaki[171] and Young[172] respond to the critics' question whether the recognition of a group identity other than that of the state, and the recognition of multiple identities, could undermine the collective national identity. They argue that the idea of a single culture excludes individuals from the influence of other cultures and perpetuates the false perception that cultural membership is predetermined and fixed.[173] Because of the dominance of a single

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166 - D McGoldrick 'Multiculturalism and its discontents.' (2005) 5 Human Rights Law Review 27–56.

167 - Mason op cit note 358.

168 - Ibid.

169 - A Shachar op cit note 90.

170 - S Okin (1999). Is multiculturalism bad for women? In J. Cohen, M. Howard, & M. Nussbaum (Eds.), Is multiculturalism bad for women? (pp. 8–24). Princeton, NJ: Princeton University Press; see the discussion on minority women and culture, supra.

171- Xanthaki op cit note 77 at 21–42.

172 - I M Young 'Together in difference: Transforming the logic of group political conflict,' in Will Kymlicka (ed.) The Rights of Minority Cultures (1995), 155–76.

173 - Ibid.

culture, marginalised groups become rigid and are pushed into mutually exclusive opposition. Individuals belonging to groups that have been excluded from public life are more likely to isolate themselves, creating an entirely separate cultural system with the intent of undermining the state's sovereignty.[174]

Modood's thesis has revitalised the discussion regarding the concept of multiculturalism. He argues that his theory of national multiculturalism is eligible to ease the polarisation in modern societies regarding how to deal with the significant cultural, religious and ethnic diversity, and the inert relations between the minority and majority cultures in the national realm. His arguments are based on the British context and focus on ethno-religious minorities. The theory of 'national multiculturalism' builds on the observance that contemporary societies are characterised by significant diversity. Certain characteristics of diversity are being utilised in a divisive manner. Thus, the reaction to polarisation might be that we must unite the individuals by establishing a mutual agreement among ourselves or with the state, a 'social contract'. The appeal of a social contract, according to Modood, typically arises in contexts where trust is eroding and society risks descending into chaos. Nevertheless, the solution of a formal agreement among individuals or collectives may provide temporary relief, yet it fails to cultivate genuine concern for one another.[175] Modood's appeal is to adopt a more profound approach rather than mere 'transactional thinking' to navigate effectively the challenges posed by diversity and the pervasive polarisation evident in contemporary societies. He argues for cultivating respect and a sense of belonging, as well as an understanding of the collective or national good, rather than merely relying on contractual agreements. In his view, multiculturalism has a significant role to play in this context.[176] Multiculturalism mainly concerns the entitlement of a subgroup to identity, ensuring that their identities are regarded with the same level of citizenship equality. This suggests symbolic recognition and 'institutional accommodation' but it asserts equally the reconstruction of the entirety; the whole conception of citizenship within the polity.[177]

A second aspect of Modood's approach is the recognition of the subgroup identity as part of or at least consistent with full membership, a type of inclusion that allows all citizens to feel a sense of belonging to their national citizenship. This approach could be referred to as 'fraternity' or 'solidarity'.[178] Minorities, particularly marginalised or oppressed minorities, have the same right to group identity recognition as the majority; all subgroups, includ-

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174 - Ibid.

175 - T Modood 'Multiculturalism' at https://onlinelibrary.wiley.com/doi/full/10.1111/newe.12350

176 - Ibid.

177 - Ibid.

178 - Ibid.

ing the majority, have this right.[179] In multicultural subgroup identification, recognition and solidarity are mutual; no group acts solely as a giver or as a recipient. All groups are both providers and receivers of recognition. Multicultural citizenship should be founded on 'dialogical recognition' rather than solely on 'unidirectional' recognition. This implies that multiculturalism is not concerned solely with the acknowledgement by the majority of minorities; it also entails the mutual recognition of all subgroups of citizens and their entitlement to membership in the polity.[180]

According to Modood, the multiculturalism discourse allows individuals to maintain their group identities and connections to particular nations, rather than existing solely as individuals seeking favourable opportunities. However, it is evident that not all individuals in a polity, such as in Britain, may experience a sense of belonging or acceptance as citizens. Certain groups may be perceived of as foreigners or marginalised based on their ethnicity, which renders them with second-class citizenship.[181] Multiculturalism seeks to address this issue; it involves, among other aspects, 'rethinking the national story'. The issue is to discern coherent visions of citizenship that depict the different origins, and historical trajectories as well as the promise of the collective future that is uniting all subgroups of a nation. It is imperative to refrain from dismissing persons as culturally foreign owing to their ethnic background or religion. A redefinition of citizenship is essential; in the example of Britain, for example, it involves permitting Muslims to acknowledge Islam as a fundamental aspect of British identity. Equally, it is essential for non-Muslims, especially secularists and Christians, to recognise Muslims as integral to the emerging notion of 'Britishness'.[182]

1.5.2 The Interculturalism

Theorists of interculturalism defend it as an emerging policy paradigm designed to deal with the dynamics of diversity and to address the flaws of the policy of multiculturalism.[183] Ricard Zapata Barrero defines interculturalism as a set of policies sharing one basic idea, which is that the interaction among people from different backgrounds matters. The objective of the policy of interculturalism is to intervene politically to propose a way to manage the dynamics of diversity, based on exchange and interpersonal relations.[184] Barrero

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179 - Ibid.

180 - Ibid.

181 - Ibid.

182 - Modood op cit note 368.

183 - R B Zapata 'Rejoinder: multiculturalism and interculturalism: alongside but separate' (2018) 6 Comparative Migration Studies 1–12.

184 - Ibid.

calls it 'the technique of positive interaction'. The theory behind the 'positive interaction' technique is a rebuke of official multiculturalism policy. Multiculturalism has been criticised for failing to take into account the potential of interaction between cultures to foster diversity in society. As such, the interculturalism approach is predicated on the idea that different cultures share some characteristics and that these shared characteristics may be fostered via productive interactions between people of various ethnicities and cultural backgrounds.[185] The social theory of interculturalism is grounded on the 'contact theory' of Allport,[186] which assumes that contact reduces prejudice and promotes knowledge formation. The view of Cantle[187] is that that interculturalism is a community cohesion policy that supports positive interaction to transform initial conflict zones into areas of positive contact in order to ensure optimal living situations.[188]

One basic critique of multiculturalism is that it has facilitated social fragmentation and entrenched divisions. Other significant critics point out that the policy of multiculturalism has displaced attention from socioeconomic disparities or encouraged moral hesitancy among the native population. Some views blame multiculturalism for international terrorism.[189]

Modood and Meer argue that interculturalism is not a distinct policy; rather, it is a complementary policy of multiculturalism, intending to address the critics of multiculturalism. Modood and Meer argue that the debate on interculturalism vs multiculturalism is one strand of a wider discussion on proper ways of reconciling cultural diversity with an enduring form of social unity. They maintain that interculturalism and other concepts, such as cohesion and integration, need to be allied with multiculturalism rather than presented as alternatives. Modood and Meer defend the nexus between the two policies of multiculturalism and interculturalism. First, they argue that communication is a defining characteristic of interculturalism; however, this could hardly be claimed as a unique or distinguishing

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185 - Ibid.

186 - G Allport, The Nature of Prejudice (1964), per R B Zapata, 'Exploring the foundations of the intercultural policy paradigm: A comprehensive approach' (2016) 23 Identities: Global Studies in Culture and Power.

187 - T Cantle Community Cohesion: A New Framework for Race and Diversity (2008), per Zapata 'Exploring the foundations of the intercultural policy paradigm: A comprehensive approach'.

188 - R B Zapata op cit note 379.

189 - T Modood & N Meer 'Interculturalism, multiculturalism, or both?' Robert Schuman Centre for Advanced Studies, 2013/18.

quality of interculturalism, since dialogue and reciprocity are foundational to most, if not all, accounts of multiculturalism.[190]

«Taylor is of the opinion that human liberty and self-esteem are contingent upon recognition and misrecognition.»

1.6 CONCLUSION

Sudan is obliged to protect its multiple minority cultures and languages in compliance with the international human rights standards, as well as the African human rights system. The international legal framework for minority protection to is best described as a two-pillar approach comprising, on the one hand, the guarantee of all fundamental rights and freedoms, with strict prohibition of discrimination and, on the other, the special rights of minorities to preserve their identities. Article 27 of the ICCPR is the centrepiece in the minority rights code under the UN human rights system, and makes clear provision for the protection of the distinct identity of cultural and linguistic minorities. Article 15.1 (a) of the ICESCR elaborates on the substance of the right to take part and to participate in cultural life, which includes three interconnected primary elements of participation, accessibility and contribution. The Universal Declaration of Minorities reinforces the provisos of minority protection under the ICCPR and, while it is not a binding instrument, it sets international standards for protection of minorities and emphasises the duty of the states to uphold their duties vis-à-vis the protection of minorities.

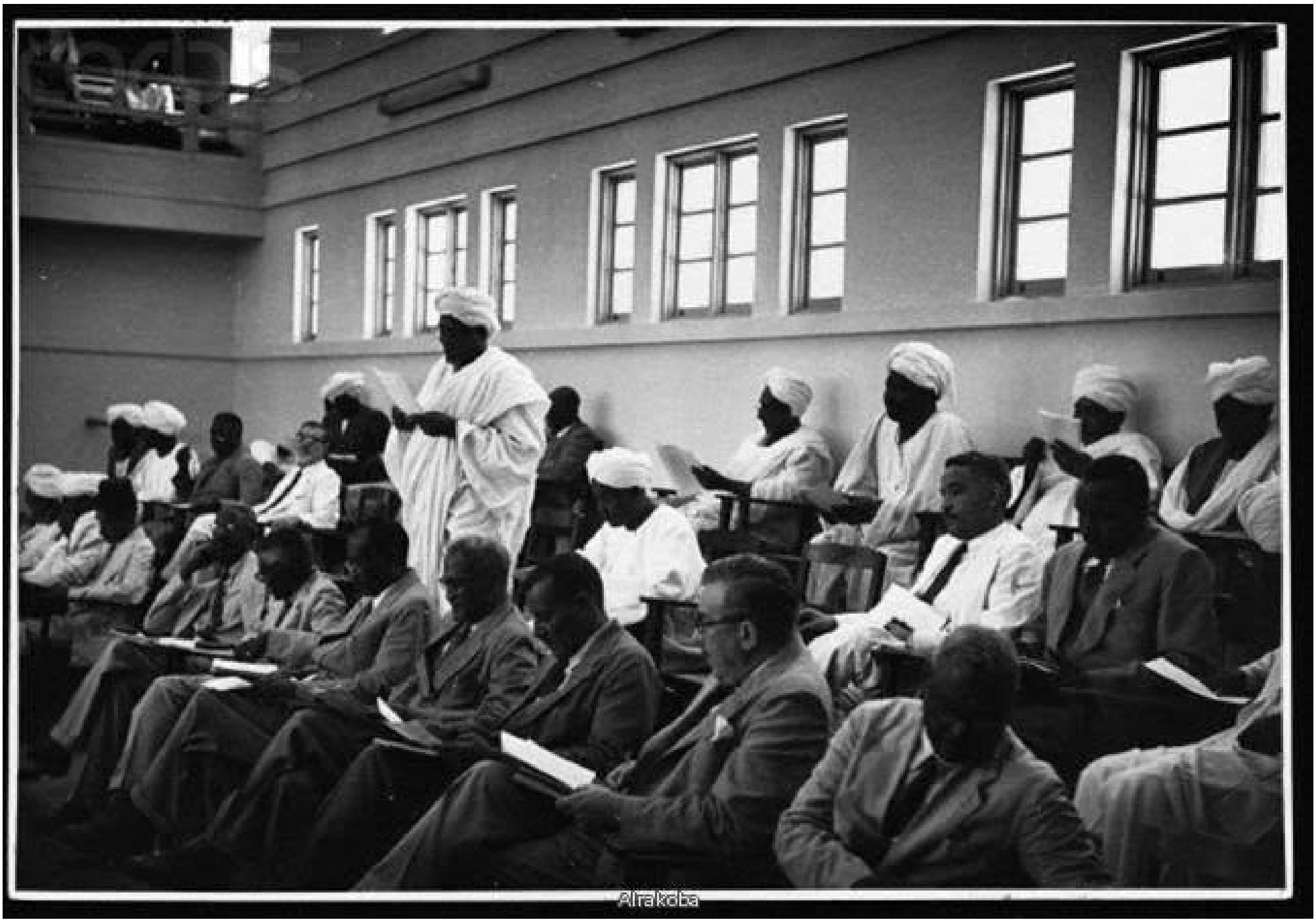
The African Charter includes provisions on people's rights rather than minority rights. The recent work of the African Commission suggests that the people's rights under the Charter are shifting gradually from the classic notion of 'external self-determination', which relates to the context of decolonisation, to the model of 'internal self-determination', which entails democratisation, the recognition of cultural diversity, and the protection of minorities.

Strong claims have been made that the state's obligations go beyond the negative duty of abstaining from discrimination against minority cultures and languages and involves positive duties to undertake special measures to promote minority cultures and to compensate historical deprivation of minorities. In addition, the centrality of individual rights is evident in all instruments, while group rights are accorded to minority groups with the aim of allowing the realisation of individual rights. People's rights that include the right to self-determination is clearly differentiated from minority rights, which have no such entitlement. The protection of women minorities from discrimination within their cultures entails robust prohibition of discrimination based on gender. Furthermore, to ensure that the equality measures which are afforded to the minority groups to protect their customs

190- Ibid.

and traditions do not inadvertently perpetuate discrimination against women.

Finally, the empirical multicultural composition of modern states, where multiple minority groups and cultures coexist in a democratic state, is the focus of multiculturalism politics. Kymlicka asserts that culture serves as 'an anchor' for citizenship rights and individual freedom. Taylor is of the opinion that human liberty and self-esteem are contingent upon recognition and misrecognition. Modood emphasises the importance of subgroup identities and dialogical influences in a liberal democracy, which requires the reconstruction of national identity to recognise subgroups. The interculturalists contribute to the discourse by emphasizing the constructive interaction between diverse subcultures and groups within a multicultural society. Their objective is to prevent polarization and establish a sense of shared identity and coexistence.



Kierkegaard & Sartre:

Divinity & Nihilism*

By: Ibrahim Jafar

Kierkegaard

Sartre:

Here is a pithy outlining of a possible contrasting of Kierkegaard›s conception of *subjectivity* with Sartre›s view of *bad faith.* The theme of the contrast is that while both of these stress on the necessity of unique individuality, i.e., authentic individuality, yet they differ in what should *essentially* underlie its *characterization*. Sartre›s philosophy tends, in this context, to use what it conceives of as a phenomenological-ontological approach to *reality.* It states, on this perspective, that phenomenology, as it is understood by Edmund Husserl and particularly Martin Heidegger, is the only science on the basis of which philosophy can establish its patterns of human experience. But it, however, starts its philosophizing from the ultimate point of what it supposes to be a basic human experience of *uprooted-ness* which Sartre refers to as that of the *categorical nothingness* of human consciousness and human self.

Kierkegaard, on the contrary to Sartre, begins his search for *unique* individuality from the bare necessity of the experience of *loneliness.* He, in the first place, perceives of it as basically being a *religious* experience.

Kierkegaard and Sartre then agree only in their broadly *existentialist* perspective towards the *philosophi*c problems on which they reflect. Both of them begin their thinking from

the living world of the individual human subject. But they surely differ in their visions of the *basic tonality* and meanings of that subjectivity. Sartre's subjectivity, that is to say, primarily emphasizes the nihilistic experience of *nothingness.* That defines him as an atheist philosopher *par excellence.* In fact he openly says, in some of his writings, that his philosophy is nothing but an attempt to draw the ultimate conclusions from a consistent *atheistic* position. But Kierkegaard›s subjectivity does, at the other end and level of the spectrum, accentuate the cause of liberating the individual human subject from its bare experience of loneliness. *That for Kieregaard, is personally decided*, in the *particular* sense of its being *wholly accepted* by, or rather into, the subject in question, something that leads to a leap into the *unknown,* unto *the divine.*

Sartre's subjectivity, that is to say, primarily emphasizes the nihilistic experience of nothingness. That defines him as an atheist philosopher par excellence.

This outlining also suggests, at another deeper level, that use could, in this connection, be made of the philosophy of Henry Bergson. That is in the aspect of how it does relate to the Kierkegaardian «personal Christianity». I have an insight that Kierkegaard could, in a certain way, be envisioned as a wave on the Bergsonian Sufi sea-line of human creative evolution. That is to say, as a wave on Bergson's terrain of *dynamic religion.* Shedding this new light on Kierkegaard's philosophy, we can further strengthen its contrast with Sartre's philosophy. Sartre's philosophy becomes on this view, the other extreme of Bergson›s *dynamic* religion. Thus it might then suitably be seen as constituting a certain form of what might be termed as dynamic nihilism or, if you wish, *existentially dialectical* nihilism.

Kierkegaard and Sartre then agree only in their broadly existentialist perspective towards the philosophic problems on which they reflect.

Let me try formulating that in other words. Kierkegaard›s original *existentialist* experience of *loneliness*, which we have understood to be *primarily* consisted of a *religious* experience would, on this instance, associate his thought with the *dynamic*, i.e., the dialectical tradition of religion. That throws away off its hands the false illusions of collectiveness and sociability in religious practice. In this case a religion could view to be only a business of individual faith and individu-

I have an insight that Kierkegaard could, in a certain way, be envisioned as a wave on the Bergsonian Sufi sea-line of human creative evolution.

al interpretation of the religious thought. It is interesting to note here that the Muslim Sufi, Al-Sahrawardi, once says that the individual human being should read the Quran as if its message has been manifested, on earth, *particularly for himself/herself alone*. This insight of Al-Sahrawardi is really an existentialist perception of religion. And it is from this, it bears its strong affinity with Kierkegaard›s inclinatory directions, and/or *tonality*, of thinking.

Sartre›s experience of *original nothingness* which he essentially defines as constituting an *atheistic* experience does place him, on the other side, within the realm of what I may conceive of as an existentially dialectical form of nihilism. This, in other words, says that Sartre›s kind of atheism is an *existentially dialectical* kind of *atheism.* That is insofar as it begins from an individual consciousness that so constantly attempts to transcend its own nothingness, which is supposed to be its *essential* mode of being. In that case it would become a consciousness of *something.* For consciousness, according to Sartre›s understanding of Husserl›s insight of the *intentionality* of human consciousness, must always exist as a *consciousness of something.*

Kierkegaard's subjectivity does... accentuate the cause of liberating the individual human subject from its bare experience of loneliness.

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March, 2007

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Why are we governed by the incompetent/stupid among us in Sudan?

Awad Ibrahim*

It is ironic to say: sometimes being too smart or too competent is exactly what prevents you from gaining and exercising power. My contention is, we desperately need to understand this paradox otherwise the vicious cycle of coup-and-democracy will persist in Sudan. Have you ever wondered how it happened that Nimeiri governed Sudan for 16 years while relegating an intellectual giant like Mansour Khalid to being just a minister (in an important ministry to be sure)? Living through the last 35+ years of Muslim Brotherhood government in Sudan (in their different shades and colors), have you wondered how they managed to govern with the least intellectual (not to say intelligent) and competent among us? This question becomes ever more urgent after the war. Suffice to look around to realize Sudan is now governed by its least competent (and to use Jean-François Marion's language, stupid) people. In my usage and for the purpose of my argument, the line between incompetence and stupidity is so thin in Sudan that I use the two terms interchangeably. Someone may object to the use of the term while another on the very definition of the term, stupid.

In the psychology of stupidity, **being incompetent or stupid** is not a question of intelligence (IQ), but a reference to those who are not capable of being socially and emotionally intelligent; those who do not think, have a vision and a level of empathy toward

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themselves and others; those who are so self-centered they are ready to kill to get what they want; and those who can gleefully bear witness to the pain of others. To see what I mean, I invite you to watch the videos from both factions of the current war, be it from Rapid Support Forces (RSF) and its cold-blooded murder or Sudan Armed Forces (SAF) and its slaughtering militias, especially Muslim Brothers (namely Elbara'a)!

I am intentionally deploying the terms Muslim Brothers and Muslim Brotherhood to refer to an ideology, a theology that anoints itself as a judge where any other school of thought within Islam is wrong and they hold the truth of what Islam is and how it should be practiced. In my use of the term, the Muslim Brother is not a strict membership but a mindset, a way of thinking, behaving and being. Here, you may not consider yourself a Muslim Brother, but in my analysis, if you repeat, reproduce and take advantage of their system and ideology, then you are a Muslim Brother by mindset. I know some refer to them as Kizan or Islamists, but I prefer the terms Muslim Brothers and Muslim Brotherhood because they make naked their theology.

What philosophy and psychology say about incompetence and stupidity

Referencing philosophy and psychology, I intend to argue that being governed by stupid and least capable people is a well-documented pattern in academic literature. Intelligent people, the argument goes, tend to avoid power, the use of power and governance in general. As a result, the least qualified individuals end up with the most influence. Even though my focus is on Sudan, this pattern is well established globally. In making this argument, it is odd to begin with Niccolo Machiavelli, but one of his arguments is worthy of invocation here. He contends that stupidity and power so often go hand-in-hand. Machiavelli is referring to the actual, brute, and naked power and how it is used and in turn how it is perceived by those who are affected by it. Think about the current war in Sudan and the use of slaying and rape as instruments of killing and humiliation. These instruments become crude manifestation of power to terrorize those who are in their receiving end.

To establish and solidify their place and power, the incompetents make maximum use of these instruments of power. The first thing they do is to never show their incompetence. To the contrary, appearance is everything for them, it is their ultimate instrument of power. Always show yourself as powerful, articulate, well-dressed, humane, caring, etc. No substance and no truth, only appearance! I invite the reader to study closely how General Burhan does this. Lying and contradictions aside, the emphasis for General Burhan is not in competency but in the appearance of power and competency; from the fist in the air to eating and drinking with so-called laypersons to ap-

pearing amid shouting armed forces. When the masses see this day in, day out, they do not think competency. They are comforted by power and control. Moreover, since the alternative is unknown, the masses think: we are better off sticking to someone who is in control and someone we know. Here is the beginning of perpetuity of mediocracy and incompetence.

Ironically, when a **genuinely intelligent person** enters power structure, they tend to see complexity, grey areas, limitations, ethical responsibility and question themselves. Incompetent people see the opposite. They see simplicity, taking sweeping decisions and making unrealistic promises. As a result, the genuinely intelligent person finds themselves in a bind and in paralysis if they are not aware of the need to taking decisions. It is worth comparing General Burhan with the ousted Prime Minister Abdalla Hamdok. From how Hamdok appeared physically (even his suits and ties) to how he talked (politely, coherently, intelligently) to how he walked (his hunched back) to the liability of indecisiveness (e.g., thinking deeply about the alliance with the armed forces as a different model, not firing the remanence of the regime of Muslim Brotherhood, not appearing socially with the masses, not appearing on media to debunk rumors, etc.). These are all signs of a genuinely intelligent and ethical person (and he had a vision that would have transformed the nation).

Compare that to General Burhan. He always has his fist up in the air (sign of power), always dresses in army fatigues, appearing to eat and drink with laypersons, every photo and on-camera appearance is highly and professionally choreographed, speeches are well-written (despite their lies), and jugging with his armed forces (sign of physical fitness and prowess).

Interestingly enough, Hamdok's intelligence becomes a liability, hence the coup d'état against him and the much criticism he had received, and General Burhan's incompetence is celebrated (at least by his supporters) as signs of power. This is a clear case of how **appearance trumps intelligence, capability and competency.**

Knowing the incompetency of General Burhan, we still need to ask, why do people follow the wrong, stupid and incompetent leader? A partial answer can be found in the Dunning-Kruger Effect. This is a psychological phenomenon where the incompetent over-estimates their intelligence, ability and capability, while the genuinely intelligent under-estimates their intelligence and capability. As Shakespeare put it, 'The fool doth think he is wise, but the wise man knows himself to be a fool.' This is the ultimate contradiction where the stupid and incompetent think they are intelligent and the genuinely intelligent person becomes extremely modest and underplay their intelligence. Just look at El Musbah Abu Zeid of the Muslim Brother militia Elbara'a Ben Malik and his projection of self-confidence! A 2025 psychology study shows, those who display

confidence are seen as leaders by their peers regardless of their competence. The appearance of certainty is more important than the actual expertise, and decisiveness projects clarity of thought.

This is what can be described as **confidence illusion** and it might explain how incompetent people rise to power in the first place. Very significant to note, incompetent leaders tend to surround themselves with even less incompetent subordinates. After all, if you want to know the intelligence and competence of a ruler, look at the people around them. If you observe an incompetent leader who is surrounded by incompetent subordinates, then we have a system where **incompetency is institutionalized;** and loyalty (not competency) becomes the criterion for choosing those who participate in the governing structure, especially those who surround the ruler. Competency dries out in such a system, thus creating **homophily**: the tendency to associate with people who look alike, talk alike and think alike. To see these points, first, have a look at the Sudanese Muslim Brothers and how they talk alike, look alike, dress alike and think alike; and second, see what General Burhan is doing with the so-called government, hallowing it from any competency and creating an island of loyal men and women. For incompetent leaders, loyalty is more important than competency.

Here, my intent is not to make sweeping historical claims about all the regimes in Sudan. After all, since 1956, we had two types of government (democratic and dictatorship) and they are materially and architecturally different. Even though democratic regimes in Sudan did not live long enough to be evaluated, but accountability is embedded in the very idea of democracy by virtue of cycle of election. It is understood that incompetent leaders are weeded out the more the electors become aware about them and their proposed election programs. With dictatorship, on the other hand, the leaders had been the determining factor in Sudan. Nimeri's regime is demonstrative here. Nimeri had exceptionally competent ministers, yet they were at the mercy of his whim. Despite their brilliance, vision and competency, they ended up implementing the wish of the leader.

These arguments are taken to a whole different level with the Muslim Brotherhood regime in Sudan, which is gripping Sudan since 1989. This regime shows the ugly nature of what it means to have an egotistical, maniac and incompetent leader who surrounds himself (in case of Albashir) with incompetent people; people who think only on how to benefit themselves materially. Here, politics is not about serving the people, but about serving the leader and amassing wealth for themselves, their party and families. The Muslim Brothers are so bent on holding on to power and wealth that they are ready to burn the whole country down as they are currently doing with the war. RSF and SAF are two faces of the same ideology of Muslim Brotherhood; and for me, their war is about personal wealth and power distribution. Anything else is just a detail, including the

first casualties of the war which are people and religion.

Having said this, when applying psychology of incompetence and stupidity in Sudan, we are left with an uncomfortable question: why are some people still attracted to incompetent people who offer simple answers to complex problems? Put otherwise, despite all the misery that the Muslim Brothers have inflicted on Sudan, why are some people still attracted to their current dictatorship (which is using SAF as their façade)? This is a different way of asking my original question: why are we governed by the incompetent/stupid among us? For me, the first answer lies in the Dunning-Kruger effects which I discussed above. The second answer lies in the Stockholm Syndrome. This is a psychological coping mechanism where victims of abuse or captivity develop an emotional bond with their perpetrators and indeed rationalize their abuse and find justifications for the perpetrators' abusive behavior. In other words, as I explain below, the Muslim Brothers are so masterful in repeating their justifications (actual lies) for their utterly abhorrent abusive behavior that people, without knowing, absorb and repeat these justifications as their own even though they are its victim. Plainly put, the incompetent and stupid govern not only because we let them to govern, but some of us-laypersons tend to repeat their justifications and see the world the way they do.

The third and final answer to the question of why the incompetent and the stupid govern us in Sudan lies in cognitive psychology. Here, it was shown that **our minds need certainty in an uncertain world**. Building on the Stockholm Syndrome, the third reason for why some people follow the propaganda of Muslim Brothers is, especially in a time of war, because our minds as laypeople need certainty. The Muslim Brothers offer exactly this mirage of assurance and certainty; and it is all about appearance. The appearance of certainty and power offered by General Burhan and his junta become the reality for those who follow them. Here, Burhan and his Muslim Brothers are selling an illusion of confidence, competence and power; and those who buy that illusion crave certainty. According to this theory, those who crave certainty tend to have a fear of/from freedom: the idea of choosing one's path in life and writing one's own life story and life history. Dictatorship makes use of this fear of/from freedom while democracy teaches people how to avoid and combat it on a daily basis. Indeed, democracy is all about choices, freedom, peace and justice.

This is why alliances for peace need to think differently

On the other hand, there is Sumoud Democratic Civil Alliance, Freedom and Change Alliance and Abdallah Hamok's government when he was Prime Minister. Constituting what in my analysis will be called a genuinely intelligent alliance, all these alliances talk about how complicated the situation is in Sudan and as a result, we should not expect simple solutions and answers. This is a genuine, commendable and realistic

analysis but our minds as laypeople create dissonance, this is not what we want to hear as public. Don't sell us uncertainty, we want you (as leaders) to assure us that you have solutions, that you can figure out whatever the issue might be (economy, infrastructure, agriculture, etc.). This dissonance might explain why some people can't hear and are not interested in the honest and grounded message these alliances want to send to the Sudanese people. People can't hear the message because it leaves them with uncomfortable uncertainty, which goes against how our minds are programmed (at least according to cognitive psychology). Sumoud and other alliances that are calling for peace have a dilemma: how to communicate honestly while not leaving people naked to Burhan and his comforting and simple yet dishonest message?

This leads us to ask: Have we reached the stage of **cognitive closure** as Sudanese people? When people live shock after shock – beginning of the war, followed by being refugee, followed by poverty, followed by permanent exile, etc. – our mind shuts down. It needs comfort and certainty. This need for certainty might be one of the reasons why our minds find the discourse of General Burhan and his alliance appealing. When we reach cognitive closure, we become more receptive to dichotomies and to authoritarian leaders who project absolute certainty. At the time when we desperately need critical and nuanced thinking, cognitive closure makes us more receptive to simplistic answers. This is like an immune system that is totally collapsing. Cognitive psychology tells us that cognitive closure cannot be defeated by an intellectual project alone. We need an affective and emotional project; one where we appeal to people's comfort and certainty as much as we appeal to their intellectual faculties.

Indeed, we need to use these intellectual and ethical faculties, but they should not impede us from taking hard, uncomfortable and unpopular decisions. We should be certain about why we are taking these decisions, but we can never be sure about their outcome. This is why we need to bring the people who are impacted by these decisions with us; they need to be part of the decision-making process. In our experience with Muslim Brothers, we come to know that they have no ethical considerations. They lie, they promise things they have no intention of keeping, they insult, they manipulate, etc. This creates a very difficult question for Sumoud and other people who want to do things ethically: Do you race to the bottom with them in lying, manipulating, etc.? The answer is clear: Of course not. However, while we need to be honest with people, we also need to realize how our minds work. **We need to bring people to the side of peace affectively**. Our mission is not solely being anti-Muslim Brotherhood, but pro-peace and prosperity. Whatever difficult decision we take, people should be convinced emotionally of its utility. If we don't do that, the Muslim Brothers will outmaneuver the ethical side and offer simplistic and comforting certainty. The Muslim Brothers are unethical, and they have no limits in being unethical, deceiving, and ready for character

assassination. Their moto is: kill the messenger and the message will die.

Faced with this, one thing is for sure: we should never succumb to the race to the bottom, use the same unethical methods that Muslim Brothers use. We should never let unethical behavior become the norm rather than the exception, and here are some strategies on how to accomplish that:

1. **Feedback loop and accountability:** This is when we create an environment where feedback is immediate and accountability is kernel. In this environment, unethical behavior is immediately discovered and dealt with.

2. **Institutional design and power distribution:** If you concentrate all the power in one hand, then you are asking for trouble. So, we need a balanced structure that hold people accountable without feeling like a hammer over their heads.

3. **Information asymmetry and complexity:** There is a need for a clear and comprehensible objectives that are understood by all. If objectives are not clear, then the objectives are meaningless.

4. **Economic incentive structure:** The focus should not be solely on immediate and short-term economic gains, but on long-term and sustained incentives.

Leaders like Burhan and his ilk of incompetent and stupid do not maintain their position only by sheer force but solidify their positions also through psychological manipulation of the Sudanese people, including:

1. **Exploiting tribalism and identity politics:** The leaders create an in-group and out-group, where any criticism directed to in-group is perceived as an attack from an 'enemy,' i.e. all out-group members. In doing so, first, an 'other' is creating, one who is so radically different that there is no harm in killing them. Second, an attack on an in-group member is an attack on all, thus increasing the emotional bind among in-group members. Third and finally, the leaders shield themselves from accountability and transparency because all attention is directed outward. This is what is known as identity fusion, where there is no distinction between the identity of the leader and that of the in-group. Suffice to listen to how Insrafi or Burhan talk about RSF as enemies, non-Sudanese, etc. This way not only do they deflect away from their own violence, but they create an out-group, an enemy, an us vs. them.

2. **Cognitive overload and overwhelm:** Incompetent leaders create a constant stream of crises and controversies. This way they leave little time and energy to process these overwhelming events. Before we wake up to the news that people started to return to Khartoum as a sign of peace, Burhan issues a decree that his so-called government is pulling out the Quad peace initiative (led by U.S., Saudi

Arabia, U.A.E. and Egypt). The idea is to flood the zone and as such leave no time for people to process bad or good news, especially no time for organized resistance.

3. Double think: This is about the ability to hold contradictory beliefs simultaneously. The incompetent leaders shift their positions constantly and rewrite history. This way truth becomes subjective and accountability becomes impossible. When the Sudanese Armed Forces withdrew from Khartoum or Wad Madani, according to incompetent leaders, this is not a defeat but a tactical withdrawal. The actual defeat is a matter of perception. Once truth is presented as a matter of perception, incompetent leaders can never be held accountable.

4. Exploitation of economic precarity: When people are struggling economically, they become susceptible to the discourse of incompetent leaders who promise simple solutions, especially economically. In the case of Burhan and his Muslim Brothers, they are blaming everyone but themselves on the famine, starvation and the current unbelievably terrible economic situation in Sudan.

So, are we powerless in the face of these incompetent leaders and their ilk, and in the face of the current formidable situation in Sudan? Of course not, but we need strategies that will help us to get out of the war and the bleak situation General Burhan and his Muslim Brothers have put us in:

5. Personal consciousness: We need to study and be informed not only about the tools that incompetent leaders like Burhan use, but how to envision a different future filled with peace , justice and prosperity. The Muslim Brothers are masterful in how to use media, how to deceive and misinform, so we need to be clear-eyed about not falling into their traps of deception and lies, especially their race to the bottom where lies, corruption and unethical behavior are normalized. That is where they want us to go, so we should fight the urge for the axiom of an eye-for-an-eye and a tooth-for-a-tooth.

6. Media literacy: We really need to understand the Muslim Brothers' use of (social) media and beat them in their game. Sumoud and other alliances lack media, and this creates a vacuum that is filled by Muslim Brothers lies and unethical use of media. I understand this requires funding, but not necessarily. Why not have an address by Hamdok once a month? We need to hear from the leaders of the peace camp more regularly. We should not leave a vacuum for the stupid and incompetent leaders and their ilk.

7. Theology: The Muslim Brothers have abused and made the worst use of Islam and religion overall. It is high time we do not let them continue doing that. One strategy, especially for the post-war government, is to be firm on the separation between reli-

gion and public affairs (the state). A law should be passed to determine who can and cannot speak on religion, when and where. The Muslim Brothers will raise hell, and we already know that. It will be a sign of weakness if we are not firm with them; and one thing is for sure: they should never talk about ethics (since they have none).

8. Racism: Like religion, a harsh and radically firm law should be passed on anything racism. People are and should be free to affiliate themselves tribally and ethnically, but no one should insult or utter racist epithet without being punished. Rwanda should be our guide here. WE ARE ALL SUDANESE! Period. No Arabs, no pride on mythical and false history, etc. Nothing else. This should be the banner of the post-war Sudan, the new, peaceful and hopeful nation.

9. Fully developed program post-war: We have a serious challenge as a camp for peace. We do not have a fully developed program we can propose and implement in day one after the war: from the decisions we will issue to how the program will be implemented, etc. If such a program exists, it is not shared publicly, and certainly people do not know about it. So, I suggest for Hamdok to appear once a month to share the details of such a program. He may share this responsibility with others, but we desperately need to excite people for peace. We need to concretely show them what will happen if and when we have peace. In doing so, we need to let people know that this is a proposed program which is open for people's input, so that it is not dismissed by the incompetent leaders and their Muslim Brothers.

10. Reflections: There is an urgent need to think deeper and with clarity. If we want this war to be the last war in Sudan, we need think tanks that deal with the different elements that materialize and make this as our last war. One major area that is quite neglected in the discussion of Sudan post-war is education, especially education for peace. We desperately need a working group to think about the education system post-war. I contacted Moe Foundation to start this working group, but to no avail. There is so much daily journalistic commentary, which is quite commendable, but we need to think deeper to get to the roots of our problems. Education, I want to suggest, will and should be our way out of the misery we are in, it is and should be our way towards a better and more humane future.

Final thoughts

I am calling on Sumoud and all peace-loving alliances to be firmer in their positions. We know the situation is atrocious in Sudan, so we don't need to hammer this point repeatedly. In fact, as we saw with cognitive psychology, in repeating that the situation is bad in Sudan, not only are we stating what people already know but, oddly enough, we

are pushing people away from our peace camp and onto the hands of Burhan, Muslim Brothers and their ilk. These incompetent people offer illusions, panacea and simple solutions. We need to realize how what we say is read by the public. Also, given the dire situation in Sudan, intellectuals like Haj Waraq or Dr. Kumair can no longer afford to say they will not participate in the executive branch of the post-war government. The post-war government will have to be highly intelligent and guided by genuinely intelligent people who do not need to show off their intelligence, but who need to take decisive decisions and project power. By power I am not referring to showing guns, but in how we present ourselves, how we look, walk and talk. I know these may appear trivial to some, but psychology tells us they are crucial in the exercise of power and in being heard.

Beside these individual traits, we need robust structural mechanism, one that sharply separates between the executive, legislative and legal branches of government. Here, people's performance is the basis for their judgment, not their charm, lineage or manipulation. Hamdok's transitional government taught us that **it is not just an honor to be a minister but a duty, where one works for the people not for oneself or whom one knows**. After the October 21, 2021 coup against Hamdok, especially after the current war, we saw the total reverse, where monetary gains and self-serving are what is guiding the so-called government. Incompetence and corruption are now institutionalized. In the post-war government, we must create shields against incompetency, corruption and stupidity. Only then can we envision a peaceful and fully humane future.

Awad Ibrahim,

The Addis Ababa Meetings and the Search for a Sudanese Solution:

A Political Breakthrough or a Reproduction of the Representation Crisis?

Professor Hassan Bashir Mohamed Nour

The Addis Ababa meetings, bringing together the international quintet with a number of Sudanese political forces, civil actors, and armed movements, are taking place at a critical juncture in Sudan's history. The war is escalating, and its humanitarian, economic, and social consequences are expanding, while the need is growing for a political process capable of stopping the collapse and laying the foundations for a comprehensive national settlement.

The importance of these meetings lies in their attempt to revive the concept of Sudanese-Sudanese dialogue as an entry point for resolving the crisis, away from the logic of externally imposed solutions or reducing the conflict to only two military parties. However, the central question remains: To what extent have the Addis Ababa meetings succeeded in building a genuine national process, and have they managed to move from being merely a political gathering to becoming a practical step toward ending the war and rebuilding the Sudanese state?

In principle, any effort aimed at bringing Sudanese civil and political forces together around a project to end the war represents an important development, particularly given the failure of previous approaches that largely focused on negotiations between armed actors while neglecting the deep roots of

Any effort bringing Sudanese civil and political forces together around a project to end the war represents an important development, given previous failures elsewhere..

the Sudanese crisis, including the nature of the state, the imbalance in the distribution of power and wealth, and historical development crises.

However, the success of any national dialogue, as we have repeatedly argued, is not measured only by the number of participants or the scale of international and regional support, but rather by its ability to achieve three fundamental conditions: inclusive representation, clarity of political vision, and the capacity to transform outcomes into practical and implementable steps.

The importance of these meetings lies in reviving Sudanese-Sudanese dialogue, away from externally imposed solutions, toward a political process addressing national collapse and recovery.

From this perspective, the relationship between the Addis Ababa meetings and the Declaration of Principles that emerged from the Nairobi meeting last month becomes significant. The Nairobi Declaration attempted to establish a political foundation based on a number of important ideas, including the priority of a political solution, the necessity of building a broad civilian coalition, addressing the roots of the crisis rather than merely its symptoms, and preventing the reproduction of the system that led to the war.

There appear to be clear points of convergence between the two paths, particularly in emphasizing the need to end the war, rejecting the reduction of Sudan's future to arrangements between military forces, and seeking a civilian political formula that would rebuild the state on new foundations. However, the real test lies in moving from general principles to practical arrangements concerning how to stop the war, who possesses the legitimacy to represent the Sudanese people, and what form the next transitional phase should take.

Despite these areas of convergence, there are fundamental differences between the two approaches. The Nairobi meeting appeared to seek the development of a broader Sudanese political project that transcends the parties to the war, while the Addis Ababa meetings focused more on bringing together different forces around a political and negotiation track under international sponsorship. This raises questions about whether the two paths complement each other or represent competition between two different visions of the nature of the solution.

One of the most significant challenges facing the Addis Ababa meetings is the absence of the Sudanese Armed Forces from the gathering. This absence raises a fundamental question: How can a political process to end the war be built without the participation of one of the main armed actors in the conflict? While a sustainable solution cannot be military in nature, ignoring one of the actual centers of power in the war means that any political outcomes will require additional mechanisms to ensure commitment and implementation.

On the other hand, the presence of some civil forces and armed movements was not sufficient to resolve the crisis of representation. Differences have emerged within some participating groups, including divisions within the Democratic Bloc itself. Furthermore, the absence of influential forces such as the Sudan Liberation Army Movement led by Abdel Wahid Mohamed Nour and the Sudan People's Liberation Movement – Democratic Current from signing the final statement reduces the inclusiveness of the outcomes.

The most significant absence, however, is the limited participation of social forces that played a central role in the Sudanese revolution and in shaping the new political consciousness, particularly Resistance Committees, professional unions, independent associations, and a number of civil organizations

The position of the Sudanese Communist Party, which met with the international quintet outside the official framework of the meetings, also reflects reservations among some political forces regarding the nature of the process and its outcomes. It may also express concerns about committing to a settlement whose conditions for success remain incomplete.

The most significant absence, however, is the limited participation of social forces that played a central role in the Sudanese revolution and in shaping the new political consciousness, particularly Resistance Committees, professional unions, independent associations, and a number of civil organizations representing broad sectors of society. This absence raises a fundamental question about the possibility of building a genuine national project without broad civil society being an authentic partner in it.

One of the major challenges emerging from the Addis Ababa process is the attempt to discuss political arrangements while the war continues and in the absence of a comprehensive ceasefire and commitments to open humanitarian corridors.

How can a stable political process be built while millions of Sudanese are living under bombardment, displacement, hunger, and the collapse of basic services?

International experiences confirm that a political process requires a minimum level of humanitarian and security stability. This does not necessarily mean waiting for the complete end of the war before dialogue begins, but it does require simultaneous measures to protect civilians, stop violations, and provide basic humanitarian needs, so that the political process does not become an elite discussion detached from citizens' daily realities.

From this perspective, any political process that fails to link ending the war, humanitarian assistance, and rebuilding state institutions will remain vulnerable to failure because it addresses the political dimension in isolation from the broader crisis.

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Nevertheless, the political significance of the Addis Ababa meetings cannot be ignored. They have helped keep the idea of a political solution alive and have renewed the discussion about the need to build a civilian coalition capable of presenting an alternative to war and to the return of forces that contributed to producing the crisis. They may also represent a preliminary step if they develop into a more inclusive dialogue.

The danger, however, lies in such meetings becoming merely a platform for producing another political declaration without real change in the dynamics of the crisis. Sudan does not need only an agreement among political elites; it needs a project to rebuild the state that addresses the roots of the conflict: the crisis of governance, uneven development, injustice in resource distribution, the relationship between the center and the regions, ending impunity, and building an economy capable of reconstruction and stability.

The civilian government Sudan needs after the war should not be merely a transitional arrangement between competing forces, but rather a new national project that rejects the logic of power-sharing quotas and the reproduction of crisis. It should establish a broadly participatory democratic civilian rule capa-

Sudan stands before a historic moment that cannot tolerate temporary settlements. The goal is not only to end the war, but to end the conditions that made the war possible and to build a new state capable of achieving peace, development, and justice.

ble of engaging with the international and regional communities from a position of national legitimacy.

Therefore, the assessment of the Addis Ababa meetings should not be based only on whether they succeed or fail, but on their capacity to evolve. If they open up to absent forces, link the political process to ending the war and addressing humanitarian needs, and transform from an elite gathering into a comprehensive national process, they could become an important turning point.

However, if they remain limited in representation, ignore key social forces, and discuss Sudan's future without addressing the reality of the war, they may, instead of uniting forces opposed to the crisis, deepen divisions and complicate the path toward a solution.

Sudan stands before a historic moment that cannot tolerate temporary settlements. The goal is not only to end the war, but to end the conditions that made the war possible and to build a new state capable of achieving peace, development, and justice.

A Generation Interrupted:

Youth Mental Health and Sudan's Future*

Contributed by
Maysoon Mukhier
Researcher

Aging generals and career politicians have contested for power in Sudan for three years following the outbreak of violent conflict between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) in April 2023. Yet, a critical crisis remains neglected amidst ongoing peace talks: the psychological toll of conflict on Sudan's youth. In a country where more than 60% of the population is under the age of 25, the young generation is not merely a demographic category but are rather the primary architects of Sudan's future stability, economic development, and social cohesion.

Amidst challenges of returning to a peaceful and democratic transition alongside widespread infrastructural damage, disrupted social services, and debt, one of the most neglected casualties is the mental health of young Sudanese citizens. This neglect is not only a humanitarian concern, but a structural threat to long-term peace, governance, and development. It can lead to catastrophic impacts on the country's foundation by depleting its current and future human capital – the cognitive, emotional, and physical energy required for socio-economic development. In a post-conflict reconstruction phase, labour does not amount merely to physical presence but also to the cognitive

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agency and emotional resilience required to innovate and lead. Therefore, without a psychologically resilient youth, Sudan risks falling behind in the global race for innovation, technological advancement and sustainable development. In doing so, the country risks losing the adaptive capacity required to modernise governance and to respond to evolving challenges.

> **Paying attention to the mental well-being of the youth... ensures Sudan does not inherit a future it is too exhausted to lead.**

In this context, paying attention to the mental well-being of the youth in policy planning and governance processes ensures Sudan does not inherit a future it is too exhausted to lead. As such, Sudan's youthful demographic structure implies that trauma inflicted by state and non-state actors is a collective crisis, not just a series of personal tragedies. Young citizens have been subject to violence, political suppression, and displacement across different regions in Sudan both before and after the 2023 conflict.

The Human Cost of Conflict

As Sudan's conflict enters its fourth year following the failure of a democratic transition, an estimated 14 million people have been forced to flee, including 9 million internally displaced and 4.4 million across borders. Access to education has also been largely disrupted with over 8 million children, making up nearly half of the country's school-aged children, reported to be out of school. Moreover, one in three schools have been reported to be damaged or destroyed in what has been described as one of the worst education crises in the world. According to Save the Children, the most affected region in terms of education is North Darfur state with a mere 3% of more than 1,100 schools being open. West Kordofan, South Darfur and West Darfur followed with the lowest number of schools functioning at 15%, 13% and 27%, respectively. It is estimated by the United Nations that there has been a 288% increase in the number of gender-based vi-

olence (GBV) survivors seeking support between December 2023 and December 2024, with alarming reports of the abduction of girls and women during raids amounting to conditions of sexual slavery and enslavement.

A cross-sectional study by Awad et al. examining the mental health of displaced school-aged children (6-18 years) in River Nile State found that 68% of respondents felt frequently sad, 61% had difficulty concentrating, 57% had frequent headaches or stomach aches, 52% struggled with sleeping or nightmares, 73% felt anxious, and 29% had diagnosed conditions such as depression and post-traumatic disorder (PTSD). Other research that has examined the prevalence of generalised anxiety disorder (GAD) among 855 Sudanese adolescents (13-18 years) after the conflict found that 50.8% of participants had moderate GAD symptoms, while 28.9% reported mild GAD symptoms. Notably, female participants reported twice as high a prevalence of moderate GAD and a higher percentage of the severe GAD category compared to their male counterparts, indicating a significant gendered dimension to psychological distress.

On the one hand, adversity can foster social bonds, resilience and community based values, as demonstrated by the youth-led grassroots provision of humanitarian needs through Sudan's Emergency Response Rooms (ERRs) – recipients of the 2025 Rafto Prize. On the other hand, mental health symptoms that are related to violent environments including feelings of grief, flashbacks, intrusive thoughts, bodily symptoms, difficulties in emotional regulations and substance abuse, can impact individual and collective well-being in the long-term if unaddressed. This can impair the realisation of social cohesion, social justice and the overall ability to positively contribute to society. Thereby creating obstacles to peace and sustainable development. The psychological impact of conflict-related trauma on national peace and security and sustainable social cohesion, is especially concerning when considering the use and exposure of children (not uncommonly from underprivileged backgrounds) to extremely violent battlefields. Sudan Human Rights Hub and Genocide Watch have reported the use of child soldiers in Sudan by both the RSF and SAF.

This requires rethinking national priorities to position mental health and youth agency not as secondary concerns, but as a foundation for long-term stability..

It is therefore imperative to recognise the differentiated impact of violence on youth, considering gender, socio-economic class, and even geography. For instance, a working-class young person from the peripheries may not have access to the same opportunities to recover from the displacement, disruption of education and/or conflict-related traumatic events as a middle- or upper-class counterpart from Khartoum, due to unequal access to resources, services or

support systems. These disparities are rooted in long-standing inequalities shaped by decades of Khartoum-centric governance and post-colonial patterns of exclusion. Similarly, applying a gender-sensitive lens in peacebuilding is essential given the difference in experiences and societal stigmas experienced by girls and young women. Equally, the psychological realities of child soldiers differ profoundly from those of civilian youth not associated with armed groups – thereby raising complex questions around reintegration, stigma, and long-term social inclusion.

It is imperative that the peacebuilding process is not monopolised by an aging political elite, but instead to become inclusive of young citizens..

What emerges is the urgent need to develop targeted strategies to address the nuances of these layered realities within Sudan's peacebuilding and post-conflict reconstruction process. In practice, this requires rethinking national priorities to position mental health and youth agency not as secondary concerns, but as a foundation for long-term stability and collective social recovery from the experienced violent conflicts in Sudan's post-colonial history. This includes integrating a trauma-informed education strategy, where schools serve as psychosocial support hubs upon return to normalcy in pupil attendance, supported by adequately trained and financially compensated teachers. Importantly, there must be greater efforts for the economic reintegration of children and youth formerly associated with armed forces through vocational training and income generation projects, reinforced by counselling interventions. Finally, the peace process must prioritise meaningful youth political participation in decision-making, to avoid further repression of young people and to reinforce a more balanced representation reflecting the realities and needs of young people.

It is imperative that the peacebuilding process is not monopolised by an aging political elite, but instead to become inclusive of young citizens not only through descriptive representation but through true, substantive representation. The physical and mental wellbeing of young Sudanese people is not merely a human rights issue, it is a determinant of the quality and efficiency of the country's human capital and therefore its economic productivity, governance capacity, and long-term development trajectory. Without an educated, healthy, and civically engaged youth, Sudan risks perpetuating historical structural inequalities, conflict, and undermining prospects for accountable governance and state-resource management. A cultural transformation towards mental health awareness, power-sharing and youth empowerment, may therefore present one of the key pathways towards constructing a new social contract that serves the broader population rather than a select few.

Novelette by **Sami Yousif,** Translated by Asha Musa

May 2026

Introductory Note:

Sami Yousif Ghobrial (1952–1974) was a seminal Sudanese writer from the Al-Masalma district of Omdurman who died at the young age of 22. He was the son of the esteemed Zakia Suleiman Tadros, his first sanctuary and inspiration, and his artistic ambition led him to the High Institute of Music and Theater. In 1971, he founded the influential ‹Jama'at al-Nabd› (The Pulse Group), and his literary legacy is preserved in his definitive collection, ‹Growth Beneath Blood Drops›.

Sami Yousif with family, Beirut

Love and the Bleeding Wound

Their lame murmured words were like ointment for tired souls seeking healing from dead tree trunks devoid of rain-water.

They were in need of everything. They learnt to distort letters and turn words over to master their strong will of action and resistance of no over yes. Zayzaf, from under the illuminated braids, got their message. At that time, she didn't think of her mother's temple-tattoo which carried signs of the old tirades. She was delighted. She was in the two years' Institute where on her red desk she laid her hidden wound that kept her strong resilience. *Stay put in your spot;* since she had grown up in Ghadarif, she believed in continuity of tradition. Fully saturated with tradition and heritage. She loved the wailing of the message sender that seemed like a maze of contradictions.

Asha Musa

She waited longingly to see the sad Troubadour singer. She

arrived at Khartoum on Saturday at the time of fertility and reproduction where a rose blossomed in the cities of depth. She escaped like a spark splitting the pillars of indifference. A handful of Sudanese sorrows crossed her mind when she saw the sad child from the days in Heiban. When she shivered like a monkey as she changed the dressings for baba Suleiman. Do you know why they do this? I saw all the scenes. The journey of return before creation.

I saw him there "Albakheet". The Catholics, the Protestants, the Irish folklore, and Mao Zedong greeting the Pope. The blood shed has got to stop Absence for the present. I stopped.

After the show, her eyes welled up with tears, that baby she bore drowned in a stream holding his toy car. It killed the fascination, killed the joy. Her husband was detained twice. Once, wearing a "national" car!! He raised high a thick whip and flung it on the boy›s neck, the child who had absorbed the 'nail polish' of the grim rabbits and cats – like the lantern that Hamida's little daughter carried, she who grew in the sunlit womb.. bearers of treachery."

Her friend Naeema reminded her of *The Broad Emptiness*- Al faragh Al Areedh. Naeema, although she was an educated academic person, she suffered civilizational deficiency especially when it comes to asphalt and elevators!!

Really? Is her husband in the detention centre? When they got married, he was in a different state? Where is *Jooda Camp?* She had a glimpse of her friend "Anjel", who reassured her that Ghada delivered safely and that detention is nothing more than maturing in a low fire and she looked mockingly towards the corridor leading to the toilet and whispered, "as you sow, so shall you reap". Traffic change alert: Driving from left to right. A handsome creature silently pumps against her:

Hey, who are you?

Joseph…. have you not read my letters before? Call for solidarity. I am back from the underworld to the philosophy of torn trousers. Haven't you heard of my whispered direction? Let us party. Observed topographies in climate death zones. Cocktail party: *cock tail.*

She responded: who do you think I am?

He continued looking beyond the reach of his arm, without a pause:

Torta, tea with milk, me, jazz music. No pop music records at Munsa-phone, your migrant Sudan.

The wealthy girl from *The Black* play and "Pantomime" show, sneaked out while the man kept watching her dark feet: Salma .. Dar Alsalam .. Maha ..Badeá .. Happy evening, couldn't find her.

"I saw you in a dream my love.
Your homelessness
L.S.D. drugs
I dreamt of you as a Beatle ...foolish Hippie.
I thought you were love and kids.
And me the secret of resilience, hiding, patience.
And you the expert of our confusing time
You failed to fulfill my father's advice.
Where are you now my pentatonic scale?
Zakeya carrying the flame merging.
With the band ..Your Name
Your Eyes... Dorcas's Gazelle... Light
Spotlight... Sweet... If Only You Know The Longing...
I laughed at dawn today.
Carried mattresses... dug old cobia pencils.
Burnt the incense... carried Safwan.

Sneaked unseen by the students
Resorted to chaos
And heedless shouted from the ward:
"Long live love and the rain"
The sad Troubadour came back again.
To sing her name
"O Munera
O symphony of Acacia and Baobab
O Land shrouded in clouds under the sun

I love you... I love you... I love you."

Darkness Corridors & Terrifying Phantoms

Osman Abdalla Faris

Edited: Salwa Elsaeed Younis

Poetic Prelude:

My throat is parched, my steps are bound,

The well-rope frayed, the bucket unfound,

Guarded by vipers, hidden and deep,

I vowed to reach you, to quench your sleep,

And see you rise, O bride of the clay, restored.(1)

(From A Poem By Mohammed Hassan Salim Hamid)

On one of the jubilant days of the «Year of the Pissi's Fall», the appearance of Hamed Elnil came as a startling revelation to the people of Zuland, emerging after his sudden disappearance and following the initial dissipation and defeat of the Tafabeea. This absence occurred on the very night the people of Zuland held a grand ceremony to honor their hero, Hamed Elnil, the conqueror of the Tafabeea, in collaboration with his fourth grandfather, the late Hamed Elnil. Yet, rather than appearing to receive the medals, insignias and sealed envelopes, he sent a brief message, an excerpt of which reads:

«Thank you, my dear people of Zuland, so kind and peaceful. I do not deserve extravagant praise. I did not drive the Tafabeea to be conquered single handedly, as many of you believe. They were vanquished by a constellation of noble martyrs whose names you might have forgotten and by the spirits of your ancestors who are hovering above and around you, watching over you even when you do not sense them. You defeated them yourselves through your steadfastness and your patience against their monstrous atrocious brutality. My kind people, I wish to remind you, even in the flush of this limited victory, that memory serves the resistance. The Tafabeea have not yet been interlay defeated or finished; they

are expected to reappear once they are overlooked. Finally, I leave you with the advice my grandfather and yours, Hamed Elnil, left for me, glory and eternity be upon him. That advice goes as follows: “Be cautious, train your eyes to see and perceive in the pitch-black night. Prepare your souls and teach your children the art of telepathic communication. For the Tafabeea might steal the sunlight or sever all means of contact, just as they once confiscated the oxygen from some areas of Zuland. As you have known them before, they are masters of causing chaos and ruin. Moreover, they have now acquired new paranormal abilities to blend into the people and things around them.»

Hamed Enil’s reappearance unnoticeable by others became the subject of much bafflement. Theories spiraled: some claimed he passed away a day after the ceremony, others swore they saw him during the Covid-19 days without a mask, suggesting that he succumbed to the virus. Immigration and Passports authorities declared that he had fled to a Land of Skyscrapers, having granted political refugee status.

All tales turned out to be false, even if they have been sworen upon. It became clear, later on, that Hamed Elnil had simply returned to his birthplace in the Green Bajour, resuming the trade of his forefathers, restricting his existence to the spaces between the irrigation canals: the Abu Sitta the Taqant and the Abu Ishreen.

His presence, unnoticed by the masses, manifested during the season of the «Street Drifting» which persisted for three months and eighteen days before the day of the «Square Stand». The youth and the Kandakas in Burri, El-Deim, the Kalaklas, the Sahafat and Omdurman claimed to see him at the very same moment, despite the distances between them; a phenomenon many dismissed as mere collective hallucination.

On the afternoon of the «Square Stand,» Hamad Elnil was seen as a young translucent figure, an angelic clone, appearing in multiple locations around the plaza, simultaneously. He was seen riding a motorcycle, handing out water bottles to the protesters, carrying a large crate of sandwiches, biscuits and painkillers, with a sign hanging from it: «If you have, give; if you haven’t, take”.

On the seventh day, the Tafabeea and the Zubou’iyon conspired together in a cunning, malicious trick. They sent an operative disguised as «one of the people» to address the crowd, congratulating them on their great victory; a victory he claimed, even greater than their triumph in the «Battle of the Flowing Waters.» He promised that all was being arranged, that the Tafabeea leaders were imprisoned and that Zuland would soon regain its glorious place among the world’s nations.

This deceptive speech split the people of Zuland into three factions. The first faction saw it as a ploy by the secret cadres of the Global Tafabeea Organization. The second one saw it as a monumental achievement, arguing it was time to end the sit-in and return to re-

building the nation. The third faction stood in the middle, their consensus echoing an old proverb: «Walk with the liar to the edge of the door».

Following this split, the numbers began to dwindle. The waning crowd allowed the Tafabeea to catch their breath and reorganize their forces, reinforced by the Janjabooa hordes brought by the great Tafabeea leader from beyond the Mountain Desert.

The dark phantom battalions began picking off the vanguards of Zuland, Hamed Elnil among them. They were perched on the rooftops of the buildings overlooking the square, watching through Tafabistan-made cameras designed specifically for the «Black Day». A report was urgently dispatched to the leader of the Tafabeea: «This stubborn rebel, who appears and vanishes at will, is likely the son of Abd al-Qayyum, the one who stands before the Apocalypse. He is the one who led the Water Army and defeated us in the Battle of the River. He must be terminated immediately».

The sniper took aim at Hamed Elnil's heart as he stood behind the barricade. Bullets rained upon his body like a spray of fragrance, yet when the sniper looked through his scope, he found no corpse, no blood or nothing. Those are our tragedy, our agony, our apocalypse.

This cosmic catastrophe could not be compared to the massacre of Karbala, where the noble family of the Prophet Mohamed fell to the sword of the famous Umayyad tyrant; our tragedy was greater. It is named after "Kurr": a Nubian-Zulandian term uttered by the Kandaka when faced with sudden, unbearable grief and «Bala»: a calamity that speaks for itself, as witnessed by the peaceful people of Zuland on that night of betrayal.

In the dark morning that followed, a thick shroud of smoke from the burning tents in the square blinded the world to the massacre. Hamed Elnil watched the darkness, his heart aching. Through the eyes of Zarqa alyamama, he saw fire and smoke swallowing all of Zuland, from Shangil Tobaya to Mohamed Qol. He walked with steady steps toward the Nile, standing on the threshold between land and water. «O Nile, source of our ancient civilizations, you who meander through our land in song, you now weep with us in sorrow. Our ancestors were wise to entrust you with their love, naming their children after you and offering their fairest daughters to your depths. I come to you now, merciful father, to find refuge between your welcoming walls.» Then, he sank into the depths".

The riverbed was not as terrifying as many would have imagined. Yes, darkness pervaded the water-corridors, but it was the darkness of water, not the smoke of fire. With physical sight lost, his inner vision awakened and he saw a light at the end of the corridor. Hamed Elnil recollected: «Upon reaching the bottom, I saw a giant whale, like the one in the film JAWS, green-skinned with crimson fins, who affectionately addressed me with those words: "Do not fear, Hamed Elnil. I have been tasked to protect you from the river's predators. I will hide you in my belly until instructions come to cast you back upon the shore».

Poetic Prolgue:

Peer into the mythical sea,

Where «Younis» hides you,

In which whale—fathomless—does he dwell?

We rested on the hearthstones,

Stoke your fire, let it not die,

O dove of «Muhammad's» cave,

O threads of the spider's web. (2)

(From A poem By Mohammed Hassan Salim Hamid)

Notes:

*(1), (2): Excerpts from the poem «Details of What Happened.»

Year of the Pissi's Fall: A reference to the revolutionary slogan «Just fall, that is all.»

Green Bajour: A reference to the Gezira region, where farmers historically called the crops «Bajour.»

Abu Sitta & Abu Ishreen: Irrigation canals in the Gezira scheme, named after the measurement ropes used for land division.

Taqant: An earthen ridge marking the end of a farm plot.

Majkhannin: A slang term for hiding in a state of alert.

Shangil Tobaya: A town in Western Sudan.

Mohamed Qol: A town in far Eastern Sudan.

JAGHM/SHAFSHAF: Local wartime slang for looting and predation.

Hattala: To settle and rest at the bottom.

JAWS: 1975 thriller film.